Neal	Roth	Tauzin
Nethercutt	Roukema	Taylor (MS)
Neumann	Roybal-Allard	Taylor (NC)
Ney	Royce	Tejeda
Norwood	Rush	Thomas
Nussle	Sabo	Thompson
Oberstar	Salmon	Thornberry
Obey	Sanders	Thornton
Olver	Sanford	Thurman
Ortiz	Sawyer	Tiahrt
Orton	Saxton	Torkildsen
Owens	Scarborough	Torres
Oxley	Schaefer	Torricelli
Packard	Schiff	Towns
Pallone	Schumer	Traficant
Parker	Scott	Tucker
Pastor	Seastrand	Upton
Paxon	Sensenbrenner	Velazquez
Payne (NJ)	Serrano	Vento
Payne (VA)	Shadegg	Visclosky
Peterson (MN)	Shaw	Volkmer
Petri	Shays	Vucanovich
Pickett	Shuster	Waldholtz
Pombo	Sisisky	Walker
Pomeroy	Skaggs	Walsh
Porter	Skeen	Wamp
Portman	Skelton	Ward
Poshard	Slaughter	Waters
Pryce	Smith (MI)	Watt (NC)
Quillen	Smith (NJ)	Watts (OK)
Quinn	Smith (TX)	Weldon (FL)
Radanovich	Smith (WA)	Weldon (PA)
Rahall	Solomon	Weller
Ramstad	Souder	Whitfield
Rangel	Spence	Wicker
Reed	Spratt	Williams
Regula	Stark	Wilson
Reynolds	Stearns	Wise
Richardson	Stenholm	Wolf
Riggs	Stockman	Woolsey
Rivers	Stokes	Wyden
Roberts	Studds	Wynn
Roemer	Stump	Young (AK)
Rohrabacher	Stupak	Young (FL)
Ros-Lehtinen	Tanner	Zeliff
Rose	Tate	Zimmer

NAYS—4

Dingell	Schroeder
Jefferson	Yates

NOT VOTING—16

Bliley	Lewis (KY)	Rogers
Bunning	Lincoln	Talent
Cardin	Moakley	Waxman
Collins (IL)	Murtha	White
Ford	Pelosi	
Graham	Peterson (FL)	

□ 1316

Mr. HILLEARY changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GRAHAM. Mr. Speaker, I was inadvertently detained and missed rollcall No. 311, adoption of the Rule for H.R. 961, the Clean Water Act amendments of 1995. Had I been present, I would have voted ''aye.''

CLEAN WATER AMENDMENTS OF 1995

The SPEAKER pro tempore (Mr. WICKER). Pursuant to House Resolution 140 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 961.

□ 1316

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 961) to amend the Federal Water Pollution Control Act, with Mr. MCGINNIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 1 hour, and the gentleman from California [Mr. MINETA] will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield 15 minutes of my time to the gentleman from Louisiana [Mr. HAYES] for purposes of debate only, and I ask unanimous consent that the gentleman from Louisiana control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MINETA. Mr. Chairman, I yield 15 minutes of my time to the gentleman from Louisiana [Mr. HAYES], and I ask unanimous consent that he may control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana [Mr. HAYES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 961, the Clean Water Act Amendments of 1995.

This debate, Mr. Chairman, is essentially between two groups, between the professional environmentalists, the Washington-knows-best crowd, the EPA, the career bureaucrats, and the K-Street lobbyists on the one hand and the rest of America on the other hand.

It is extremely important to note, Mr. Chairman, that we bring this bill to the floor with strong bipartisan support. This bill passed the subcommittee by an overwhelming 19-to-5 vote with both a majority of Republicans and Democrats voting in favor of it. This bill passed the full committee by an overwhelming vote of 42 to 16, an overwhelming majority of Republicans voting for it and a full half of all the Democrats voting for it.

This bill, contrary to some of the fiction that is being spread about, keeps the goals of the successful clean water program while it fixes the problems that we have uncovered. And indeed, our process has been a very open process all along the way.

We have heard some crocodile tears here today about how quickly this bill has moved. The truth of the matter is, this essentially is the bipartisan bill that we tried to pass last year. Indeed, it is very significant to note that, while we have proceeded with an open process in committee and on the floor here today, an open rule today, last year this legislation was bottled up by the Democratic majority to the point that we were never even permitted to get a vote on this legislation.

So now we hear complaints about the process not being open enough when, in fact, it was worse than a closed process. It was a slammed-door process last year, and now I am very pleased that we do, indeed, have an open process and, in fact, the bill as reported out of committee was on the Internet 24 hours after it passed committee and has been available for the past several weeks.

Well, what does this bill do? It gives more flexibility to the State and local water quality officials. It is a fundamental shift from current Federal, top-down approach. Those who oppose the approach in this bill are saying that they do not trust the Governors and the State regulators. It provides a more reasonable risk-based regulation, consistent with recent House-passed legislation.

This bill requires EPA to subject its mandates and its regulations to risk assessment and cost-benefit analysis. In a major victory for common sense, this bill gives State and local government the flexibility to manage and control stormwater like other forms of runoff. And this bill provides market-based approaches allowing for trading in certain circumstances to provide the most cost-effective pollution reduction.

And this bill addresses unfunded mandates by providing regulatory flexibility. The bill reduces the cost of unfunded mandates, particularly in the area of stormwater management, where billions, yes, not millions, billions of dollars can be saved as a result of the approach in this bill.

Cities estimated—get this—cities estimated that the unfunded Federal mandates in the Clean Water Act cost the cities $3.6 billion in 1993. Grand Rapids, MI, a city of 250,000 people, had to spend $400,000 preparing its stormwater permit. The average cost to larger cities for stormwater permits exceeds $600,000. Tulsa, OK, had to spend $1.1 million just on their permit application, without solving the problem at all.

This bill also reforms the wetlands program. It provides for comprehensive reforms to the beleaguered wetlands permitting program. No longer will we have a situation, as in Morristown, NJ, where an airplane, the airport there, the pilot was unable to see the runway. And they were told they could not cut down a tree that was blocking the view because it was in a wetland. Or in Muncie, IN, an 80-year-old farmer, who had farmed his land all his life and his father and grandfather before him, inadvertently broke a water pipe and it flooded the field. They went in and told him he was no longer allowed to farm his farm because it was a wetland.

And there are hundreds and thousands of horror stories of the excessive

regulation of wetlands, and this bill attempts to cure that. In fact, we have heard today about the National Academy of Sciences coming out with, finally, its wetlands approach and saying, alleging, that our approach is not scientific. Well, there is absolutely no scientific approach in the original clean water bill, because the original clean water bill does not even mention wetlands.

In fact, it is very interesting and sad to see the National Academy of Sciences politicized because their report was due 19 months ago. Then we were told, our staff was informed just last week that it would be, even though it was 19 months late, it would be impossible to have it before the 18th of May. And surprise, surprise, we scheduled this legislation for floor debate today, and it appears magically yesterday.

Well, of course, the American people should know that the study was funded by the EPA bureaucrats downtown. So, sadly, the National Academy of Sciences has been politicized for this debate. We regret that.

Beyond the wetlands issue, our bill provides renewed investment in our Nation's clean water infrastructure. We provide over $3 billion a year authorized for this program. Antienvironmental? We provide more money for the program than has previously been provided. Indeed, in spite of all the money we provide, clean water costs in 1996, estimated by EPA, are $23 billion for our country. Yet the total Federal environmental grants to State and local governments will total a little over $3 billion. In fact, EPA estimates that the States face long-term clean water capital needs of over $137 billion over the next 20 years.

Well, what is it that this bill does not do? There has been a concerted effort to mischaracterize the provisions of this bill. This bill does not, as has been alleged in the left-wing press, abolish a requirement that industry treat contaminated water for toxic chemicals and heavy metals for discharging it into urban reservoirs.

The bill allows for the removal of redundant pretreatment requirements before Industry sends their wastewater to municipal treatment plants. Those plants must still enforce local pretreatment standards that prevent pollutants from interfering with or passing through the treatment works.

This bill does not wipe out the coastal nonpoint program, and, as some claim, make nonpoint programs weaker everywhere. The bill authorizes more funding for nonpoint programs. It retains environmental safeguards such as achieving water quality standards while providing more flexibility in getting there.

Yes, it repeals the controversial coastal zone provision, but—and get this—it includes the successful components into the national nonpoint program. It eliminates two separate nonpoint programs, but it combines them into one in a victory for both State flexibility and regulatory reform.

Nothing has been sadder than to see our process mischaracterized. The New York Times, in what could only be described as yellow journalism, wrote that this bill was written by Republicans behind closed doors with industry.

□ 1330

What is the truth? What is the easily verifiable set of facts? The original introduction of this bill had 16 cosponsors, 8 Republicans, 8 Democrats. Written by Republicans? Behind closed doors? The National Governors Association sent us a letter commending us for including them more than they had ever been included in the past. Behind closed doors? With industry?

Let me share with Members just some of the groups that strongly support our legislation, and were key participants. Just today, today, May 9, we received this letter from the National Governors Association which said, and I quote: ''we urge approval of this bill, H.R. 961.'' Let me say it again: ''We urge approval of this bill, H.R. 961.''

They go on to say:

> Once again, we wish to express our strong appreciation for the unprecedented opportunities for State input in the development of an effective Clean Water Act reauthorization bill.

Written behind closed doors? I thank the governors of America, Republican and Democrat, for saying they support our bill, and for thanking us for including them in the process.

It does not end there. We have a letter, again dated today, from the National Association of Counties, the National League of Cities, and the U.S. Conference of Mayors, which says:

> Of particular concern to the Nation's local elected officials is the future of the stormwater management program. The National Association of Counties, the National League of Cities, and the U.S. Conference of Mayors—who together represent all the Nation's local elected officials—strongly oppose any efforts to amend the stormwater program approved by the Committee.

They go on to say:

> Charges that H.R. 961 rolls back environmental protection and that it guts the Clean Water Act are totally unfounded,

this from all the local officials across America.

However, it does not end there. Again we have another letter today from the Association of State and Interstate Water Pollution Control Administrators, the people on the firing line, the people who have to implement our laws, who write:

> With its new comprehensive approaches to nonpoint source, watershed and stormwater management, H.R. 961 sets forth a framework that better protects this Nation's waterways.

It goes on to say:

> It maintains a firm commitment to the Clean Water Act's goals, with more flexibility at the State and local levels to determine how they are best achieved.

It does not stop there. We have in front of us a letter dated today from the Water Environment Federation, 42,000 water quality specialists across America and around the world, which says:

> We therefore want to again urge you to support the Clean Water Act Amendments of 1995 (H.R. 961) on the House floor.

Therefore, what about these spurious allegations that the bill was written behind closed doors, by Republicans, with industry? They are demonstrably factually false. Why is the national media writing that? The national media is in the hip pocket of the environmental bureaucrats here in this town, and they have not given us a fair shake. The American people should understand that. There is no sense in our ducking that reality. It needs to be said, and it needs to be said very, very clearly.

Beyond the support I have just outlined, agriculture across America strongly supports our bill. The NFIB has said that not only is final passage of this legislation a key NFIB vote this year, but they have informed us in writing that a vote against the Boehlert substitute will also be a key NFIB vote this year, so we have not only the National Governors, the NFIB, the League of Cities, the Association of Counties, the Conference of Mayors, the Association of State Water Pollution Control Administrators, the State Metropolitan Sewage Association, the Water Environment Federation, and on and on, a broad-based support to this bill.

What kind of attacks have we been subjected to? I must confess that originally I was a little perturbed when some environmental extremists attempted to disrupt our markup by throwing at us bottles of dirty water marked ''Shuster spring water.'' That did not pleasure me. Then when they started passing out posters ''Wanted, Bud Shuster, for polluting our Nation's Waters.''

However, upon reflection, I was delighted that they did this. I was delighted that they did it, because it gives the American people an opportunity to see the kind of hysterical, irrational opposition we have to our legislation, so I thank those radical environmentalists for giving us this opportunity to point out the lack of substance to their arguments, and the fact that they must resort to these kinds of personal attacks.

Indeed, if the election last November was about anything, it was about our reforming government control, top-down government regulations, and clean water is one of the areas crying out for reform.

Let me conclude by quoting something that Supreme Court Justice Breyer, a Democrat, wrote in a recent book. He talked about the environmental regulations, and he called environmental regulations an example of the classic administrative disease of tunnel vision. He wrote:

> Tunnel vision arises when an agency so organizes its tasks that each employee's individual conscientious performance effectively carries single-minded pursuit of a single goal too far, to the point when it brings about more harm than good. The regulating agency * * * promulgates standards so stringent that the regulatory action ultimately imposes high costs without achieving significant additional safety benefits. Removing that last little bit [of pollution] can involve limited technological choice, high cost, * * * large legal fees, and endless arguments.

That is what this bill is about today, to fix these problems. I would urge my colleagues to support the bill we bring to the floor today, the bill which has strong bipartisan support, overwhelming Republican support in the committee, and a full half of the Democrats in the committee voting for passage of this bill. It deserves to be passed.

Let me also commend the chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON], who has been quoted numerous times as saying if legislation does not get authorized, there are not going to be any appropriations.

I would say to my friends, and particularly some in the other body, who I am told think that perhaps the way to stymie these reform efforts is to simply block this so there no authorization, ''If you care about the environment, I urge you to be in support of having an authorizing bill, because if there is no authorizing bill, according to the distinguished chairman of the Committee on Appropriations, there are not going to be any appropriations for clean water,'' so I think all of us had better get together and support good legislation so we can continue to clean up our Nation's waters.

Mr. MINETA. Mr. Chairman, I yield myself such time as I may consume.

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Chairman, Americans know that there is very little as important in their daily lives as clean water. Their health depends on it, the quality of life in their community depends on it, and the prospects for economic growth depend on it. That is why Americans hold in such high regard the efforts we have made over the past two decades to clean up our Nation's rivers, lakes, and coastal areas.

Americans know they cannot clean up the water in their own community by themselves, because the pollution in their water comes from others upstream, maybe even in another State. It may come from a factory, it may come from a sewage treatment works, it may come from a feed lot—but what somebody else in another jurisdiction puts in the river becomes one of the most important issues in their lives. They drink it, their kids swim in it, they rely on a supply of clean water to attract new jobs to their area.

That is why we have a Federal Clean Water Act. And that is why we should not weaken the Clean Water Act now on the books.

There are many complex provisions in the Clean Water Act. But what matters most to the majority of Americans is that somebody is limiting the amount of pollution being dumped into the river upstream from them by factories and by sewage treatment works. That is what the American people want. That's what they have in the existing Clean Water Act. And that is exactly what this bill would take away from them.

This is a bill by and for major polluters.

There are differences of opinion about how to fix problems in the stormwater program. There are differences of opinion about how to fix the wetlands program. There are differences of opinion about whether or not we should do more to deal with pollution which runs off farms.

But when you get to the core of the Clean Water program, and you ask the question whether factories and sewage treatment works should be able to do less treatment than they are doing today before they discharge into the river, very few Americans would say that is what they want. Some want factories and sewage treatment works to do more, but very few think they should do less.

Yet that is exactly what this bill would so. Over a hundred pages of this bill are rollbacks, waivers, and loopholes for factories and sewage treatment works to dump more pollution upstream than they are allowed to today. Americans did not march in here and ask for that. Americans do not want that.

How did all these rollbacks, loopholes, and waivers for big industry and big sewage treatment works get into this bill? Almost none of them were in the introduced bill. Almost none of them were in the bill we held hearings on. Almost all of them first appeared after hearings were over and right before we went into markup, at which point the bill roughly doubled in size.

What do these hundred-plus pages do? Too much to itemize here, but the administration's veto statement provides a brief summary. It says,

> H.R. 961 would undermine the strong standards which have produced significant water quality improvements in the last twenty years. H.R. 961 would allow polluters to circumvent national industrial performance standards * * * [and] would also undercut the existing Clean Water Act commitment to fishable and swimmable waters by allowing new ways to avoid or waive water quality standards. These provisions could create incentives for polluters to pressure states into offering environmental concessions. * * * Lower standards in an upstream state would mean higher costs to achieve clean water in downstream states.

These rollbacks, loopholes, and waivers sometimes repeal a requirement outright; they are sometimes written as though they are a waiver at the discretion of the regulating agency, but under the bill the agency in fact would have no discretion; and they are sometimes written as though it really is up to the regulating agency, but if the agency says no, the polluter will have new grounds to sue and to tie the issue up in courts for years, while the pollution continues. This is, in fact, one of the worst features of this bill, because it will make the Clean Water program more like the Superfund program, all litigation and no cleanup.

This bill has many other features which are contrary to the public interest.

It attempts to fix the wetlands program, but in so doing eliminates 60 to 80 percent of all wetlands from the program, including parts of the Everglades; it directly contradicts the National Academy of Sciences study just released; and it puts huge new cost burdens on taxpayers.

It attempts to fix the stormwater program as it effects cities, but then uses that as an excuse to virtually eliminate the stormwater program as it effects industrial sites.

It adds billions to the deficit just in the next 3 years, and much more beyond that, according to OMB.

It adopts a version of risk assessment which was rejected on the floor of the House after the advocates of risk assessment argued it would be unworkable.

And it would result in increased costs to many municipal ratepayers who will have to try to pay for more pollution cleanup because others are doing less.

But the worst thing it does is to allow factories and sewage treatment works, upstream from somebody else's town, somebody else's property, somebody else's drinking water intake, to pollute more than they do today. That is wrong, and we should not allow that to happen. In some cases industries would be turning off treatment facilities they have already built and are successfully operating. Whatever you think about wetlands or stormwater or feedlots, there is no excuse at the end of the day for voting yes on a bill that allows factories and sewage treatment works to do less than they are already doing.

I and other Members will offer amendments to strike these industrial and sewage rollbacks. But if we are not successful, then I would urge you to vote no on the bill itself. Make no mistake about it, this Nation would be better off, and our people would enjoy cleaner water, if we passed no bill, than if we passed this bill.

If we defeat this bill we can go back and do what we should have done all along—produce a moderate bill which fixes the wetlands program without throwing out most wetlands protection and raiding the Treasury; which fixes the municipal stormwater situation; which provides the basic authorization; and which, unlike this bill, can be signed into law.

□ 1345

Mr. Chairman, I reserve the balance of my time.

Mr. HAYES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CONDIT], chairman of the Blue Dog Coalition.

Mr. CONDIT. Mr. Chairman, I thank the gentleman from Louisiana for yielding me the time.

Mr. Chairman, first of all, let me thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, and the gentleman from California [Mr. MINETA], the ranking minority member, for their graciousness in allowing us their time. We appreciate that very, very much. It gives us an opportunity to add some constructive and positive input into H.R. 961. We want to thank them publicly for that.

Let me also make recognition of the contribution on the committee of the gentleman from Louisiana [Mr. HAYES] and the gentleman from Texas [Mr. LAUGHLIN]. They have done a great service to this House and to people across this country in fighting the good battle of adding language and having a constructive input in that process, in making this what we believe to be a better bill.

Let me just remind the Members that are listening that what H.R. 961 does, some of the things that we have been working and fighting on for a long period of time. It provides comprehensive wetlands reform, which we have worked on and taken action on already this year, but we need to do it once again.

It establishes something that we have been fighting for for a long time in this House, and that is risk assessment, cost-benefit analysis, consistent with what we did with H.R. 9. It also helps place greater emphasis on voluntary incentives to base nonpoint source programs, which is extremely important to those of us who represent agricultural areas throughout this country.

Finally, what this bill does that I think is extremely important, it adds flexibility and responsibility to States and local governments which they have been asking for for a number of years. We have a great opportunity today, and that is to make changes in the Clean Water Act, at the same time protecting the public interest.

I once again want to thank the gentleman from Louisiana [Mr. HAYES] and the gentleman from Texas [Mr. LAUGHLIN], and particularly the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, for their leadership in this area. I encourage all the Members who are interested in those issues that I have mentioned, plus other issues to come down today, listen to the debate, reject those amendments that do not improve this bill, and pass this bill on final passage.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I thank the distinguished chairman for yielding me the time and for his efforts on this important reform legislation.

Mr. Chairman, I rise in support of H.R. 961, the Clean Water Amendments of 1995, because it provides a progressive and innovative framework for addressing the environmental water quality issues that our Nation faces. It is a practical, bipartisan bill that builds upon the important environmental standards and safeguards encased in the 1972 Clean Water Act, but reassesses the direction of the legislation to provide flexibility for States and local communities in achievement of those standards.

Everyone recognizes that the Clean Water Act of 1972 was a seminal piece of legislation which laid the groundwork for significant improvement in our Nation's water quality. When it was written over 20 years ago, it focused on the major environmental problem facing our country at the time, point source pollution. By imposing uniform nationwide standards and centralizing control of those standards in Washington, the Clean Water Act of 1972 provided a successful initial approach to pollution cleanup. It has been an effective tool for getting us to where we are today.

But times have changed, and it has become apparent that the one-size-fits-all approach that worked over two decades ago is not wholly and completely relevant or effective today. Point source pollution has been reined in significantly. Now it is evident that the problems associated with non-point source pollution have not been adequately addressed.

In fact, there are many unintended problems that have emerged from this old legislation, most notably the unacceptable costs and regulatory burdens that have been placed on States and local communities which dwarf dwindling environmental gains. My State of Massachusetts, for example, faces the highest per capita cost in the country for compliance with the mandates imposed by the current Clean Water Act.

The one-size-fits-all approach worked well to level the playing field initially, but it overlooked the fact that our Nation is composed of a series of diverse regions.

Mr. Chairman, I would end by saying I strongly support this Clean Water Reform Act. I commend the chairman for his work in this area.

Mr. MINETA. Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. BORSKI], the ranking Democrat on the Subcommittee on Water Resources and Environment who has done so much work on this.

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Chairman, I thank the distinguished gentleman from California for yielding me the time.

Mr. Chairman, I wish to express my strong opposition to H.R. 961, a bill that is inaccurately called the Clean Water Act Amendments of 1995.

Let us be clear about this, Mr. Chairman. If this bill becomes law, our waters will be dirtier, there will be more outbreaks of waterborne disease and there will be far fewer valuable wetlands.

It cannot be hidden behind talk of flexibility or local option, the goal of this bill is to make it easier to pollute our Nation's waters.

This bill takes us back to the days before 1972 when many rivers were open sewers and some even caught on fire.

In 1972, when the Clean Water Act was passed, only one-third of our Nation's rivers were fit for fishing and swimming. Today, more than 60 percent of our waters meet that test.

This is a record which should make us proud. It is not time for reversal of the Clean Water Act.

H.R. 961 will lead us backward by removing 60 to 80 percent of our Nation's wetlands from protection, including parts of the Florida Everglades, the great dismal swamp, and the New Jersey shore.

It will do virtually nothing to reduce pollution from runoff, the No. 1 cause of pollution in our Nation's waters. Polluted run-off into drinking water caused 400,000 illnesses and 104 deaths in Milwaukee 2 years ago.

This bill will mean more Milwaukees in the future. This bill even eliminates the one effective program we have to control run-off pollution in coastal areas—over the objections of the coastal States organization.

It is not just the coastal States organization that has concerns about this bill. It is the National conference of State Legislators, the Association of State Wetland Managers, the National Governors' Association, inconsistent with their wetlands policy, the International Association of Fish and Wildlife Associations.

There are just too many concerns that have been raised by too many groups about this bill.

It is a bill that will gut the core of the Clean Water Act, the basic national clean water standards that everyone must meet.

This bill will give us anti-environment races all over the country as local governments compete to attract development by reducing environmental standards and sending the pollution downstream. This is simply the wrong direction for the Clean Water Act.

We should be working to fix what needs to be fixed in the Clean Water Act so we can continue to protect the environment while promoting economic growth.

I have had my frustrations with parts of the Clean Water Act and the way some of it has been implemented.

These parts should be fixed.

We should fix the stormwater program to make it rational and sensible.

We should eliminate the unnecessary administrative requirements of the State Revolving Loan Fund and get the money out to the States.

We should fix the coastal zone Non-Point Pollution Program to allow targeting of impaired or threatened waters.

We should approve the new combined sewer overflow policy to help the Nation's older urban areas.

We should fix the wetlands permitting process that ties up too many projects in a snarl of red tape and treats all wetlands alike.

Instead, this bill gives us waivers, exemptions, repeals and limitations that will mean less environment protection for all Americans.

The American people do not want us to allow more water pollution. They want us to protect them from corporate polluters.

I urge my colleagues to vote no on H.R. 961 and let us write a bill that gives the American people clean water and environmental protection

Mr. HAYES. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER].

(Mr. BREWSTER asked and was given permission to revise and extend his remarks.

Mr. BREWSTER. Mr. Chairman, I first want to thank Chairman SHUSTER and members of our committee who have worked tirelessly in producing what I think is a common sense balance between Federal and local control over clean water programs.

This bipartisan bill recognizes the critical need for flexibility at the State and local level. While, at the same time, the bill retains all existing EPA water quality standards and requirements.

Most importantly, this bill represents a renewed investment in our Nation's clean water infrastructure by authorizing $15 billion for the State revolving loan fund, among other programs.

This bill gives States and local officials the flexibility to manage and control stormwater like other forms of runoff. By providing this regulatory flexibility, the bill reduces the cost of unfunded mandates to our States.

The bill also provides needed comprehensive reforms to the Wetlands Permitting Program, while protecting true wetlands for all of us to enjoy.

Mr. Chairman, I think this is a commonsense approach to reauthorizing the Clean Water Act, and would urge my colleagues to support this bill.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. EHLERS].

(Mr. EHLERS asked and was given permission to revise and extend his remarks.)

Mr. EHLERS. Mr. Chairman, I thank the gentleman from Pennsylvania for granting me time, because I rise with some hesitation to speak against the bill as it came from the committee.

On the one hand, I appreciate what the gentleman from Pennsylvania, the chairman of the committee, has done, because clearly we need more commonsense application of the laws governing the environment and the regulations that are formulated.

At the same time, coming from the State of Michigan, which has more coastline than any of the 48 contiguous States and which has numerous wetlands, I must rise to speak against the wetlands provisions of the bill. They are unworkable. It would do great damage to wetlands in many States, and particularly in the State of Michigan, if those standards were applied in our State.

In particular, the hunters and fishers of our State, and of many States around the Midwest who come to Michigan to pursue their sport, will be deeply disappointed in the wetlands provisions because they are going to have a very deleterious effect upon the population of waterfowl, the population of fish, and, of course, there will be environmental damage as well due to the loss of the filtration properties of the wetlands that we have in our beautiful State.

Therefore, although I support the attempt to have a more commonsense approach to environmental regulation, and I will continue to support that, through risk assessment, and so forth, I do oppose the new provisions regarding wetlands and certain other portions of the bill and support the Saxton-Boehlert substitute.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE], a former colleague on our committee who has now gone on to the Committee on Commerce, but who has exhibited a great deal of interest in the work of our committee.

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Mr. PALLONE. Mr. Chairman, I just wanted to take my 2 minutes if I could to talk about the economic impact of this bill. It is interesting because I think that many of the proponents have been making the argument, looking at the so-called cost-benefit or the risk assessment provisions and suggesting that somehow we need to revise the Clean Water Act during this reauthorization to look at cost-benefit and risk and other things which I might characterize as monetizing the Clean Water Act, something that was mentioned in the New York Times.

From my perspective though and I think from that from many of the coastal states and other parts of the country, by severely weakening the Clean Water Act as this bill does it is jeopardizing many of our most important industries, most notably the tourism industry.

In my part of New Jersey, in fact New Jersey as a whole, tourism is the No. 1 industry and we know that estimates are something like $400 billion a year in this country nationwide comes from the travel and tourism industry.

We also have to note that clean water is very important to the fishing industry, a $55 billion a year industry in this great Nation and also concerns about drinking water. Everyone relies on drinking water, municipal drinking water or other drinking water supplies.

The point I am trying to make, Mr. Chairman, is that by severely weakening the Clean Water Act we are in effect putting on our country and on our citizens and on our taxpayers a great deal of expense because if they lose the money that comes from travel and tourism, if we lose the money that comes from the fishing industry, if we are required to spend billions of dollars in the future to provide for better drinking water or cleaner water than ultimately the taxpayers and the country and the economic output of the country suffers. And I think that those who are urging that somehow weakening this act benefits the taxpayer because the taxpayer is in some way going to save some money is simply a false argument.

Mr. HAYES. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Chairman, I support H.R. 961, the bipartisan clean water reauthorization. I would like to say at the outset no one disputes the importance of clean water to our citizens. Nor does anyone that I know of dispute that the Clean Water Act has generally been a successful vehicle for improving the quality of our water.

Having said that, I think that it is equally clear that some of the provisions of the act need reform. In my view the area of current law that is in most need of an overhaul is section 404 of the Clean Water Act.

Over the years in our part of the country this section has been increasingly abused by Federal regulation and regulators. This abuse has made the wetlands permitting process a nightmare for private land owners and has led in some cases to literally an assault on the rights of many Americans.

This bill which the gentleman from Louisiana [Mr. HAYES] and the gentleman from Texas [Mr. LAUGHLIN] have helped to author takes, I think, constructive steps to correct some of these problems. The new wetlands classification process will permit the protection of our valuable wetlands while pragmatically allowing development of property that is of no importance to our environmental concerns.

Additionally the bill includes language from H.R. 925 that was overwhelmingly passed earlier this year in the House, and it would simply require compensation for landowners whose property value is diminished through government regulatory action.

I think most everyone agrees that as protectors and defenders of our Constitution no one can countenance the taking of private property without just compensation.

I have been contacted by many people in our district in middle and west Tennessee in what is a rural district

over the years. Many of these farmers have been crying for relief from the burden of this out-of-control wetland permitting process. And I think this bill today is a most important step in this process.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Chairman, I thank the gentleman for yielding time to me.

First of all I would like to commend the chairman for his fine work on this particular piece of legislation. This truly is a clean water bill. And it advances our congressional commitment to protecting our environment. It is common sense, it is cost effective. Things are now going to be based on sound science and not on fad, not on emotion and not on the whims of the day.

And it upholds property rights, protects fairness, and provides incentives for people to comply, not a big club, but encourages people to do what they believe is right and that is protecting our clean waters.

It also streamlines the bureaucracy, and we need the bureaucrats back here in Washington, DC, not to be making every decision for cities that they cannot even pronounce in my district.

Most importantly, this bill protects the Puget Sound which is the pristine waters that border my district. It is a bipartisan bill, has strong bipartisan support and it upholds the true values that we are concerned about and that is clean water, not just more redtape, and I urge the support of Members of this body to support truly a clean water bill.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I stand in strong opposition to H.R. 961. The Clean Water Act was written in 1972. In my State of Rhode Island, we have made a great deal of progress since then, thanks to the act.

In 1970 the Blackstone River, north of Woonsocket was a dead river. Today at least 16 different fish species swim in the Blackstone, including game fish such as large-mouth bass and brown trout.

In 1970 the Rhode Island Department of Health discovered metals in the fish of Narragansett Bay. Quahogs contained mercury, lead, and chromium. Today these are down 90 percent and are well within the safe zone because of private industry cutting back on discharges due to more stringent permits.

In 1970 because Jamestown had no sewer treatment plant, 200,000 gallons of raw sewage was dumped into Narragansett Bay everyday. Shellfishing and swimming areas were closed. Today the town has a secondary sewage treatment plant and most of the Island is open to shellfishing and swimming.

The Clean Water Act not only provides Rhode Island with the tools necessary to restore our coastal waterways, but also fosters economic development by preventing future shellfish bed closures through a full implementation of its coastal nonpoint source management program.

Anyone who has ever farmed Mount Hope Bay or the Kikamuit River knows that because of stormwater runoff from parking lots and failing septic systems the wildlife in the water becomes polluted and inedible. Simply changing the definition of swimmable and fishable does not change the fact that the fish will be inedible. Hence, it does not mean the fish can be sold. The economy and the environment are not competing interests.

In my State, relaxing standards will do more economic harm than good. Look at the facts. In Rhode Island commercial fishing industry is a $100 million industry, up 700 percent since the Clean Water Act was first implemented in 1972. Oppose H.R. 961. It is bad for the environment and bad for our economy.

Many of you may not know that Rhode Island is the Ocean State. Because of the vast array of beaches, rivers, and boating marinas, the travel and tourism industry generates almost $1.5 billion a year for my State. The vast majority of this occurs in and around Narragansett Bay. Salt water swimming is enjoyed by 67 percent of the Rhode Island population and $70 million is spent in sport fishing every year. I seriously doubt that Rhode Island would be such an attractive place for almost 2 million people to visit every year if our waters were polluted with metals that are especially harmful to our children and the elderly.

I ask you, who would want to smell the raw sewage blowing off the bay or pull a dying fish from the water. In short, if we gut the Clean Water Act today we will not only be jeopardizing our health, but the economies of our Nation's coastal States.

It was the Clean Water Act regulations that allowed Rhode Island to reduce pollution in the Mount Hope Bay, adding 800,000 lbs. of additional quahogs to each years harvest.

It was the Clean Water Act that saved Narragansett Bay so that many of New England's most important fish, like winter flounder, striped bass, and fluke could safely repopulate themselves.

And it was the Clean Water Act that helped publicly owned wastewater treatment plants in Narragansett Bay achieve a 57-percent reduction in the amount of pollutants they discharge.

I ask all my colleagues to look not at the short-run interests, but the long-term concerns and quality of life of our citizens. We must act wisely to avoid the same recklessness that forced us to legislate the Clean Water Act in the first place.

Unfortunately, environmentalists are typically characterized as eccentrics, with nothing better to do than complain about obscure pollutants or rare animals. I abhor that characterization. In my State, environmentalists come in many forms. They are the hard-working lobstermen and quahogers who farm Narragansett Bay. They are the sportsmen who canoe down the Runnins River or fish for striped bass in the Atlantic. Most importantly they are our children who swim in our rivers and play in our parks.

I am proud to call myself an environmentalist. A person who sees the future not just on a balance sheet but by the air we breathe, the water we swim in, and the diverse variety of life we share our community with. In the words of Teddy Roosevelt, our 26th President and renowned conservationist:

> To waste, to destroy, our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed.

Oppose H.R. 961 and support economic environmentalism rather than economic expediency.

Mr. HAYES. Mr. Chairman I yield 2½ minutes to the gentleman from Illinois [Mr. POSHARD].

(Mr. POSHARD asked and was given permission to revise and extend his remarks.)

Mr. POSHARD. Mr. Chairman, I rise in support of this bill. In particular, I rise in support of the balance this bill bring to our public policy on nonpoint source pollution control as well as wetlands definition and enforcement.

Representing a large rural district in central and southern Illinois there is not a single day that goes by that I do not deal with these problems.

The real question facing the rural areas of America is how we can best manage to come into compliance with the standards of clean water in this country, and in this bill, in the most cost-effective and efficient way possible. We do not have unlimited resources in this country.

The farmers of this country have been good conservationists; they have to be to sustain a family income on which they can live. They have proven through the conservation reserve program and other solid environmental protection measures that they can produce excellent watershed management on a voluntary basis without additional government mandates. And those good voluntary watershed management practices have made positive contributions to the clean water in this country, not negative.

With respect to wetlands, not every acre that is on the books today are true wetlands, and even the true wetlands are not all of the same value. And in any case, there is absolutely no need for three separate Federal agencies to have jurisdiction over this issue. This bill brings a commonsense solution to these problems.

To suggest, as someone has already done today, that Americans should be afraid of turning on their tap water as a result of this bill, that we are all going to be drinking bottled water, is the kind of talk I just cannot believe. That kind of talk only fuels the paranoia against government that is running rampant in this country today.

Mr. SHUSTER. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Ohio [Mr. LATOURETTE].

(Mr. LATOURETTE asked and was given permission to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Chairman, first I want to commend Chairman SHUSTER for his leadership in bringing H.R. 961 to the floor.

Mr. Chairman, I rise today in support of H.R. 961, and in particular title I of H.R. 961, which reauthorizes environmental programs that are critical to the waters of the Great Lakes region. More than $12 billion in Federal investment has brought the Great Lakes back from the brink of death and is credited for making the Great Lakes great again. A $4.5 billion annual Great Lakes sport fishing economy is a further testament that our country will continue to reap important economic benefits by passing H.R. 961 by providing $3 billion in programs such as wastewater treatment facilities. This will serve to build on the success of the Clean Water Act.

H.R. 961 also seeks to address the contaminated sediments problem that clogs the Great Lakes system.

H.R. 961 also contains provisions to better coordinate research activities among Federal agencies engaged in research on the Great Lakes.

H.R. 961 is also supportive of making sure the fish in the Great Lakes are safe to eat.

I urge passage of H.R. 961.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Wisconsin [Mr. PETRI].

(Mr. PETRI asked and was given permission to revise and extend his remarks.)

Mr. PETRI. Mr. Chairman, I rise in support of the bill and in opposition to the Boehlert amendment.

Mr. Chairman, I want to express my support for H.R. 961, the Clean Water Amendments of 1995.

This bill makes significant commonsense reforms to our Nation's clean water program. It maintains the goals of the Clean Water Act while providing more flexibility to our States and local authorities who know their States and their waters and know best how to reach those goals. Let me point out that this flexibility is given to the States and also to EPA to utilize if they see fit—industry has not been given sweeping unilateral waivers from critical requirements of the act as has been charged.

This bill strengthens the current nonpoint source program and replaces the current broken stormwater program with one that will be more effective and gives States a range of tools—from voluntary measures to site-specific permits—to deal with stormwater runoff.

The section on watershed management encourages States to pursue comprehensive point and nonpoint source programs on a watershed basis to most efficiently meet water quality standards. The bill continues the Federal-State partnership by authorizing Federal assistance to the States for the construction of wastewater treatment plants, to address nonpoint source pollution, to continue cleanup of the Chesapeake Bay and the Great Lakes, and for a host of other pressing water quality needs.

H.R. 961 also incorporates many of the principles that the House has already passed, such as risk assessment and cost-benefit analysis to ensure that our limited financial resources are utilized in such a way as to get the greatest water quality benefit.

Now, with any bill of this length which addresses such complex issues, there undoubtedly will be some provisions that may cause some concern. For example, I may have some concerns regarding some of the wetlands provisions, but I realize that this bill will continue to be a work in progress and undoubtedly more revisions will be made before the bill finally is enacted into law.

Nevertheless, Mr. Chairman, we know that Americans want to preserve and protect our environment, particularly our precious water resources, and we know that they want commonsense regulation—that was made clear in last year's elections. I believe we can have both as is accomplished in this bill, and I urge the House to approve H.R. 961.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER], the very distinguished ranking Democrat on the Committee on Resources.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the legislation before us today exemplifies the dangerous liaison between private interests and the majority in the House when it comes to amending our Nation's laws.

That close partnership is no where more evident than in the proposed revisions of the Clean Water Act—the law that has cleaned up San Francisco Bay near my district, and thousands of other rivers, streams, bays, and other bodies of water throughout America over the past quarter century.

Are there problems with the Clean Water Act? Of course. I have concerns about some of the ways in which the law has been implemented, too, and if we had a real commitment to reform, I have little doubt we could develop a sound alternative to this bill.

But let us make no mistake: H.R. 961 is not about fixing the mistakes. It is about devastating one of the great achievements of environmental policy in this country. And this emasculation of the law is taking place at the request, and at the direction of, powerful special interests who have been granted unprecedented access to the drafting of the legislation.

Strewn throughout H.R. 961, particularly in title III, are special exemptions, waivers, and exclusions that benefit these special interests:

An exemption from effluent limitations for coal remining operations that discharge into waters that already fail to meet water quality standards;

A provision limiting EPA's ability to upgrade discharge standards for industrial polluters which benefits the pulp and paper industry and others;

An exemption from wetlands permit requirements for iron and steel manufacturers;

An exemption from the silver discharge standard for the photoprocessing industry;

An exemption for oil and gas pipelines.

Exemption after exemption provided to high polluting industries by this legislation that masquerades as reform.

This is not reform. It is a clear example of special interest legislation, written on behalf of powerful interests and at the expense of our environment and the health and safety of the people of the United States.

I have introduced legislation that would require that the authors of any legislation prepared by private entities be disclosed before the Congress voted to make special interest provisions the law of the land. Although the majority has not yet accorded me a hearing on my bill, I am hopeful that the majority will voluntarily disclose who sought and wrote these special interest provisions before asking our colleagues to vote them into law.

Regardless who authored these exemptions, they are bad policy and should be rejected by the House.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 1995.

To: Distribution.
From: Patricia Law.
Re: Clean Water Task Forces.

Thank you for agreeing to participate in a very ambitious legislative timetable for reporting a Clean Water bill, but one which we hope you will find constructive and will result in a product that we can all support.

Attached is the list of participants from yesterday's meeting indicating each organization's primary area of focus if it was provided. We will notify you as soon as possible of the Subcommittee Member assignments and dates for Task Force meetings. Our hope is to have these meetings at the beginning of next week. In the meantime, we encourage you to work together to identify outstanding issues and to formulate your proposals for addressing them. The following groups have agreed to take the lead for this front work. If you are not identified on the attached list as having an interest in a particular task force, we suggest that you call the lead.

Nonpoint Source and Watershed: Thomas W. Curtis, Director, Natural Resources Group, National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington, D.C. 20001–1512, 202/624–5389, 202/624–5313 (fax).

Point Source: Charles W. Ingram, Associate Manager, Environment Policy, U.S. Chamber of Commerce and Clean Water Industry Coalition, 1615 H Street, N.W., Washington, D.C. 20062–2000, 202/463–5627, 202/887–3445 (fax).

Funding and Unfunded Mandates: Robert K. Reeg, Manager, Congressional & State Relations, National Society of Professional Engineers, 1420 King Street, Alexandria, VA 22314–2794, 703/684–2873, 703/836–4875 (fax).

Stormwater: Carol Kocheisen, Counsel, Center for Policy and Federal Relations, National League of Cities, 1301 Pennsylvania Avenue, N.W., Washington, D.C. 2004, 202/626–3028, 202/626–3043 (fax).

Wetlands: Kim Putens, Executive Director, National Wetlands Coalition, 1050 Thomas Jefferson Street, N.W., 7th Floor, Washington, D.C. 20007, 202/298–1886, 202/338–2361 (fax).

Please feel free to call me with any questions or assistance that you require from us. Again, we appreciate your involvement and look forward to working with you.

CLEAN WATER TASK FORCE PARTICIPANTS

Joseph M. McGuire, Director, Legislative and Regulatory Affairs, Allied Signal, 1001 Pennsylvania Avenue, N.W., Suite 700, Washington, D.C. 20004, 202/662–2657, 202/662–2674 (fax), (point source).

Lee Garrigan, American Consulting Engineers Council, 1015 Fifteenth Street, N.W., Washington, D.C. 20005, 202/347–7474, 202/898–0068 (fax), (funding).

Sam White, America Crop Protection Association, 1156 15th Street, N.W., Suite 400, Washington, D.C. 20005, 202/872–3846, 202/463–0474 (fax), (nonpoint source).

Mark Maslyn, American Farm Bureau Federation and Clean Water Working Group, 600 Maryland Avenue, S.W., Suite 800, Washington, D.C. 20024, 202/484–3615, 202/484–3604 (fax) (nonpoint source).

Karla Perri, Director, Legislative Affairs, American Forest & Paper Association, 1111 19th Street, N.W., Suite 800, Washington, D.C. 20036, 202/463–2436, 202/463–2424 (fax), (nonpoint source, wetlands, point source, stormwater).

Christopher Myrick, Director, Government Relations, American Home Products Corporation, Suite 1001 1726 M Street, N.W., Washington, D.C. 20036, 202/659–8320, 202/659–2158 (fax), (point source, nonpoint source).

Cary L. Cox, Ashland Inc. and American Petroleum Institute, 601 Pennsylvania Avenue, N.W., North Building, Suite 540, Washington, D.C. 20004, 202/223–8290 x223, 202/293–2913 (fax), (point source).

Jennifer Boucher, Associated Builders and Contractors, 1300 North Seventeenth Street, Rosslyn, VA 22209, 703/812–2000, 702/812–8202 (fax), (funding).

Heidi H. Stirrup, Director, Congressional Relations, Associated General Contractors of America, 1957 E Street, N.W., Washington, D.C. 20006–5199, 202/393–2040, 202/347–5412 (fax), (stormwater, funding).

Ken Kirk, Association of Metropolitan Sewerage Agencies, 1000 Connecticut Avenue, N.W., Suite 410, Washington, D.C. 20036, 202/833–4653, 202/833–4567 (fax), (funding).

Linda Eichmiller, Deputy Director, Association of State and Interstate Water Pollution Control Administrators, 750 First Street, N.E., Suite 910, Washington, D.C. 20002, 202/898–0905, 202/898–0929 (fax), (stormwater, point source, nonpoint source, funding).

Rose Marie Sanders, Legislative Representative, Air & Water Chemical Manufacturers Association, 2501 M Street, N.W., Washington, D.C. 20037, 202/887–1123, 202/463–1598 (fax), (point source).

Edward M. Kavjian, Washington Representative, General Motors Corporation, 1660 L Street, N.W., Suite 401, Washington, D.C. 20036, 202/775–5086, 202/775–5032 (fax).

David T. Modi, Senior Director, Government Affairs, Georgia Pacific Corporation, 1875 Eye Street, N.W., Suite 775, Washington, D.C. 20006, 202/828–9631, 202/223–1398 (fax).

Aleesa L. Bell, Washington Representative, International Paper and Great Lakes Water Quality Coalition, 1101 Pennsylvania Avenue, N.W., Suite 200, Washington, D.C. 20004, 202/628–1223, 202/628–1368 (fax), (point source).

Victoria Shaw, Senior Manager of Government Relations, National Association of Metal Finishers, 1200 19th Street, N.W., Washington, D.C. 20036, 202/429–5108, 202/223–4579 (fax), (point source).

Greg Ruehle, Director, Private Lands, Water and Environment, National Cattlemen's Association and Clean Water Working Group, 1301 Pennsylvania Avenue, N.W., Suite 300, Washington, D.C. 20004, 202/347–0228, 202/638–0607 (fax), (nonpoint source).

Karen Ann Mogan, Director, Environmental Affairs, National Food Processors Association, 1401 New York Avenue, N.W., Washington, D.C. 20005, 202/639–5929, 202/637–8068 (fax) (stormwater, point source).

Thomas W. Curtis, Director, Natural Resources Group, National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington, D.C. 20001–1512, 202/624–5389, 202/624–5313 (fax), (nonpoint source).

Carol Kocheisen, Counsel, Center for Policy and Federal Relations, National League of Cities, 1301 Pennsylvania Avenue, N.W., Washington, D.C. 20004, 202/626–3028, 202/626–3043 (fax), (stormwater, nonpoint source, watershed, funding).

Robert S. Long, Vice President, Government Affairs, National Mining Association, 1130 Seventeenth Street, N.W., Washington, D.C. 20036–4677, 202/463–2663, 202/833–1965 (fax), (stormwater).

Robert K. Reeg, Manager, Congressional & State Relations, National Society of Professional Engineers, 1420 King Street, Alexandria, VA 22314–2794, 703/684–2873, 703/836–4875 (fax), (funding).

John M. Stinson, Director, Government Affairs, National Steel Corporation, 1575 Eye Street, N.W., Suite 1100, Washington, D.C. 20005, 202/638–7707, 202/289–4616 (check fax), (point source).

A. William Hillman, Director of Government Relations, National Utility Contractors Association and Clean Water Council, 4301 N. Fairfax Drive, Suite 360, Arlington, VA 22203–1627, 703/358–9300, 703/358–9307 (fax), (funding).

Kim Putens, Executive Director, National Wetlands Coalition, 1050 Thomas Jefferson Street, N.W., 7th Floor, Washington, D.C. 20007, 202/298–1886, 202/338–2361 (fax), (wetlands).

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Jeffrey S. Longworth, Stormwater Reform Coalition, c/o Collier, Shannon, Rill & Scott, 3050 K Street, N.W., Washington, D.C. 20007, 202/342–8642, 202/338–5534 (fax), (stormwater).

Jeffrey L Leiter, Stormwater Reform Coalition, c/o Collier, Shannon, Rill & Scott, 3050 K Street, N.W., Washington, D.C. 20007, 202/342–8490, 202/338–5534 (fax), (stormwater).

Charles W. Ingram, Associate Manager, Environment Policy, U.S. Chamber of Commerce and Clean Water Industry Coalition, 1615 H Street, N.W., Washington, D.C. 20062–2000, 202/463–5627, 202/887–3445 (fax).

Philip Cummings, Attorney at Law, Clean Water Act Reauthorization Coalition, McKutchen, Doyle, Brown & Enersen, 1101 Pennsylvania Avenue, N.W., Suite 800, Washington, D.C. 20004, 202/628–4900, 202/628–4912 (fax), (point source).

Peter A. Molinaro, Assistant Director, Government Affairs, Union Carbide Corporation and Clean Water Act Reauthorization Coalition, 801 Pennsylvania Avenue, N.W., Suite 230, Washington, D.C. 20004, 202/393–3211, 202/347–1684 (fax), (CWARC, point source).

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Mr. HAYES. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Chairman, I support the bill. This is a common-sense approach and balance between regulations and jobs, and it is sorely needed in our country.

This Nation has gotten so overzealous with this environmental business that if a dog accidentally passes water in a parking lot some government agent might deem it to be a wetland. A farmer cannot even maintain the creeks on their own property from spilling over and ruining their own cropland. What kind of sense is this?

The American people have had it. They are asking Congress to employ a little common sense. That is what this bill does.

I have a couple of amendments. No. 1 is, the first, a standard buy American, and there should be no problem. The second one, though, states that my amendment would allow for a waiver for the encouragement and development and use of innovative pollution prevention technologies, but only if those technologies are American made to every extent practicable. I expect to have support on that amendment.

But what I really wanted to talk about today is this Great Lakes initiative. The report is out. The Great Lakes initiative was originally to be guidelines, not strict binding rules, guidelines, not rules. I support the language in this bill that maintains guidelines, not binding rules for the following reasons: If implemented under binding status, the Great Lakes States will suffer as much as $11 billion in cost factors and as many as 33,000 jobs. Now, that makes no sense.

Finally, I want to talk about this we-they business. Manufacturers, with this bill, are not getting carte blanche to go out and ruin our environment, and there is a common-sense approach that will, in fact, encourage jobs to stay here in America instead of being chased offshore by these overzealous regulators.

And, Congress, let me say this, we are not going to have a job left in America if you continue with oppressive regulations that allow an open door policy to leave our country. There is a balance. That balance can be reached. Let us reach it here today.

I support H.R. 961 and urge its passage.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Utah [Mr. HANSEN].

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Chairman, I stand in favor of the bill.

Mr. Chairman, today I stand to applaud the fine bipartisan work of the Transportation and Infrastructure Committee in crafting, what should be recognized as a victory for the American people, the environment, and common sense.

This bill recognizes the critical need for flexibility at the State and local level. The approach of H.R. 961 is to preserve environmental standards and safeguards in the Clean Water Act, while providing flexibility in achieving those standards. The Clean Water Amendments of 1995 recognizes and reaffirms the fundamental thrust of the original 1972 act while focusing on those areas where the law clearly needs updating. H.R. 961 is a common-sense approach to provide flexibility to local officials, reduce unfunded mandates, ease redundant and costly regulations, and makes bureaucrats factor risk assessment into their decisions.

In crafting this bill, Members of both parties have realized that officials at the local level know how to address their water quality matters a lot better than the bureaucrats in Washington. It was the desire to have cleaner water in my small town of Farmington, UT, 30 years ago that brought me into politics. It is the desire of all of us to have clean, safe water to drink and use. To mandate how standards must be reached may have worked in 1972, but it is my belief that city councilmen, mayors, Governors, and State regulators can be fully trusted to care for the water quality of their communities. They are closest to the situation and have the most to gain from achieving the high standards set out in this bill.

Without question, the current section 404 wetlands regulatory program is badly in need of reform. Since enactment of the Clean Water Act in 1972, the wetlands permitting program has been expanded broadly from a program affecting navigable waters, to a program regulating activities on 75 million acres of privately owned property.

I strongly support the wetland provisions of H.R. 961 as a major victory to achieve the Nation's wetlands conservation goals, while at the same time respecting the property rights of individuals. I applaud Chairman BUD SHUSTER and his committee for their fine work and urge strong support for passage of this historical bill.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Committee on Agriculture, the gentleman from Kansas [Mr. ROBERTS].

(Mr. ROBERTS asked and was given permission to revise and extend his remarks.)

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding me this time.

The gentleman from California just made an allegory, made a statement that this is a dangerous liaison. It is not that. It is a partnership effort to prevent close encounters of the regulatory kind.

This is a good bill. For 15 years we have tried to get a bill like this making a partnership with industry, agriculture, environmentalists. Fifteen years we have been spinning our wheels. Thank you, Mr. Chairman, for your leadership in finally bringing a good bill to the floor of the House.

I want to talk about wetlands. The gentleman from Ohio just made a rather graphic reference to what the problem has been. It is true. We have now a well established procedure that says the land must be flooded if it is going to be a wetland. It must support water loving plants, and it must have hydric soils. The land must show clear evidence of all three characteristics.

Too long, too long we have been subjected to regulatory nightmares where a low spot in some farmer's field was declared a wetland in an area where no self-respecting duck would ever land. Let us end this business.

Let us pass this bill. It is a good partnership. I commend the chairman. I commend his leadership. No member of the Committee on Agriculture on either side should vote against this bill. It is a very good reform bill.

Mr. Chairman, I rise in strong support of H.R. 961, the Clean Water Amendments of 1995, as reported by the Committee on Transportation and Infrastructure.

As the Transportation Committee noted in its report, the Clean Water Act was last amended in 1987 and most of its authorizations expired in 1991. Because past Congresses could not get a bill out of either committee, our Nation's water quality programs have suffered. And, more importantly, Federal regulators have been allowed to run amok on private lands, entangling farmers, ranchers and other American businesses in unlegislated, prescriptive regulation. It is time to tell the regulators what the policy will be and follow up the enactment of this bill with vigorous oversight.

This bill sets sound policy for nonpoint pollution protection of the Nation's waters and amends Section 404 for a commonsense approach to the conservation of wetlands. Farmers and ranchers will find this policy to be both understandable, reasonable—and with proper implementation, very workable for American agriculture.

I want to emphasize two important parts of this bill that make it essential policy for the future of American agriculture: amendments to section 319 dealing with nonpoint source programs and title VIII amendments that rewrite section 404 provisions dealing with wetlands.

State water quality programs under section 319 of the bill are to be developed using voluntary, incentive-based standards that are likely to be achieved within the 15-year timetable set out in the bill. The amendments fully express the committee's correct understanding that the way to achieve water quality standards is not through command-and-control regulations, but by adopting policies that are possible, and timeliness and deadlines that make sense.

To the extent agriculture is responsible for nonpoint source discharges, the committee rightly chose to avoid the top-down approach to regulation. We cannot regulate nonpoint sources as if pollution was coming from the end of a pipe. In addition, the bill includes section 6217 of the Coastal Zone Management Act within section 319, ending a duplicative regulatory regime for agricultural producers in coastal areas.

I would caution Members about one provision that admittedly has caused me some concerns—concerns the Agriculture Committee may want to address once this bill is law and the 1995 farm bill has been enacted. That provision gives authority for the chief of the Natural Resources Conservation Service at the U.S. Department of Agriculture to enter into written agreements with States as they develop their section 319 water quality programs. The incentive for such an agreement would be to give agricultural producers the assurance that they are in compliance with the Clean Water Act. But, the problem is how the agreement may be written.

Frankly, farmers and ranchers have not been well served by a similar agreement on wetlands that was hailed by the Clinton administration as the end of controversy on the regulation of wetlands under both the Clean Water Act and the 1985 Food Security Act. We were told under this agreement farmers would no longer be subject to successive visits by Federal bureaucrats. There would be a final outcome on wetland determinations on the ground. Unfortunately, the members of the Agriculture Committee took this announcement on good faith. That faith has been sorely abused. The same kind of regulatory abuse is possible here. The Agriculture Committee intends to watch this closely.

The wetlands provisions of this bill are redesigned to finally end the abuse of farmers, ranchers, and other landowners. Title VIII is sound policy. It is derived from H.R. 1330, a bill introduced by the gentleman from Louisiana [Mr. HAYES] to restore sanity to our national wetlands policy. It recognizes there are different functions and values of wetlands and allows for a ''type C'' wetlands classification that will be left outside of Federal jurisdiction.

The Chairman's amendment to be offered today eliminates the concept that land no longer meeting wetland criteria can be classified a prior converted wetland, serving limited wetland functions. A prior converted cropland, one that was drained or filled prior to December 1985, no longer exhibits wetland characteristics—and, should be in law and regulation considered as an upland. These agricultural bottomlands, many of which have been dry for a generation or more, are not wetlands.

However, under current law, regulators look at prior converted croplands as just another parcel of private property they control through regulatory fiat which means more regulation, more hassles for the landowner, but no significant gains are realized for the environment. I want to make certain this is clear: prior converted croplands are not wetlands. Under this bill, they fall outside of Federal jurisdiction under the Clean Water Act.

The delineation procedures established under the committee-reported bill will make sense to farmers and ranchers. The land must be flooded. It must support water-loving plants. It must have hydric soils. The land must show clear evidence of all three characteristics.

Finally, Mr. Chairman, farmed wetlands and other agricultural lands determined to be exempt from subtitle C of the 1985 Food Security Act shall be exempt from the Clean Water Act so long as those lands are used for agricultural purposes.

To my colleagues, I say this is good, positive legislation. It protects the wetlands the public believes need protection; it, hopefully, will keep the bureaucrats off private property at least for the purposes of the Clean Water Act. It will bring to an end nearly a decade of abusive, over-reaching regulation. I urge its enactment.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to our very fine colleague, the gentleman from West Virginia [Mr. RAHALL], the ranking Democrat on the

Surface Transportation Subcommittee of our committee.

(Mr. RAHALL asked and was given permission to revise and extend his remarks.)

Mr. RAHALL. Mr. Chairman, it is indeed fitting that we are considering this bill today, this alleged reauthorization, the Clean Water Act.

I say this because on this day, 123 years ago, President Grant signed into law a bill that has perhaps created more environmental disasters than any other single measure.

The law he signed has left us with a legacy of acidified rivers and streams, devoid of aquatic life, running shades of orange and red.

A law that has left us with a legacy of mammoth open pits that serve as toxic swimming pools for migrating birds.

A law that has left us with a legacy of cyanide laced rock and debris, a ticking timebomb for future generations.

In short, a law that has given rise to more Superfund sites due to the activities it endorses than has any other type of activity.

This activity is hardrock mining, for minerals such as gold and silver, on Federal lands in the Western States. And the law is known as the mining law of 1872.

So today, on its 123d anniversary, we find ourselves considering another bill that if enacted promises to cause further environmental degradation and depravation.

I say this because the pending legislation represents a direct assault on the goals of the Clean Water Act.

Make no mistake about it, these are goals which are widely supported by the citizens of this country.

Moreover, the pending bill even goes so far as to significantly roll-back the progress that has already been made in achieving water quality.

And it does so for no particular reason at all.

In the Appalachian Region of this country—where we do not have hardrock mining under the mining law of 1872, but rather live on a daily basis with the environmental, health and safety threats of past coal mining practices—in many places we too have acidified rivers and streams running those shades of orange and red.

For example, the Cheat River in West Virginia, once a prime destination of whitewater rafting enthusiasts, today is so acidic that its water irritates the eyes and skin of anyone who dares traverse its rapids.

Our loss is not only the aquatic life that once inhabited parts of this river, but a healthy amount of revenue from tourism.

But rather than seek to promote the rehabilitation of this river, rather than seek to require that its designated water quality standards are met, the pending legislation takes the position that if something is polluted, well, it just might as well stay polluted.

And it does so by gutting the NPDES process, creating countless loopholes and waivers for point-source pollutants.

It does so by allowing effluent limitations for point sources of pollution to be based on new, weaker standards.

It does so by repealing the entire stormwater permit program, and by hampering efforts to control nonpoint source pollution.

And it does so by attacking the very basis for the promulgation of water quality standards, allowing non-scientific, arbitrary and capricious factors to be used in standard setting.

No Member from the Appalachian region should be able to vote for this bill.

And I would submit that those of our constituents who live with the ravages of mining, whether it be hardrock or coal, simply did not elect us to come up here and endorse the continued contamination of their water sources: The rivers, the streams, the groundwater that serves as the very lifeblood of our natural environment.

Finally, on the question of wetlands, I think all of us agree that something must be done to provide relief from a permitting process that has become a bureaucratic nightmare.

Yet, I do not believe that the majority of Americans want to see over 80 percent of our Nation's wetlands destroyed as could occur under the pending measure.

This does not constitute responsible wetlands reform, and, it would have far-reaching consequences.

For instance, I have been advised that this legislation would significantly reduce duck populations and diminish prospects for future duck-hunting seasons.

Obviously, ducks require duck habitat to survive, and that habitat—wetlands—would be seriously threatened by the pending legislation. This is something of concern to sportsmen and women throughout America, and I know it is a matter of great concern to sporting groups in my State of West Virginia.

For these, and many other reasons, I urge this body to reject the pending measure.

Mr. HAYES. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. LAUGHLIN], one of the founding coalition members.

(Mr. LAUGHLIN asked and was given permission to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Chairman, I first want to thank the distinguished chairman of our committee for turning this bill into a truly bipartisan bill, and I commend our last chairman, the gentleman from California [Mr. MINETA], for tying to work with us in the last Congress to pass a clear water bill.

But let me set the record straight about the we-and-the-they and the special interests. Half the Democrats on the Transportation Infrastructure Committee have supported this bill, not three or four, not a couple from the South, not a couple of boll weevils, 50 percent, have supported this.

Mr. Chairman, I want to rise in support of the bill and encourage the continuation of the bipartisan support.

Not only do I support the bill, I want to address a focus on the nonpoint source pollution provisions, especially as they relate to agriculture. Too often we have tried to clean up the water of America by saying it is agriculture's fault, and when we come to cleaning up, look in the last few years, we have put over $60 billion into the point source, yet we put less than $1 billion into nonpoint source, and we have tried to tell agriculture across America, ''You have got to do it by these rules,'' when in fact agriculture in one part of the country has a different focus and a different set of rules and a different set of criteria, and we cannot clean up the agricultural lands of America simply by having one set of rules that fit all.

In fact, it is farmers like Harley Savage, Steve Ballas, and other farmers who should have the ability to do what they know how best to do. They cannot produce a crop with dirty water, even though there are some in my party that want to say this is a dirty water bill.

But the farmers of America cannot produce what they do better than any industry in America, and that is to outproduce the rest of the world in producing their products, whether it is cotton, corn, rice, poultry, beef, or any other agricultural product, and we need to give them the flexibility to do what they do best and to make sure that they continue, unlike some big cities.

The agricultural community is not dirtying the water to the degree that they are given the blame.

So I urge we implement and pass this bill so the agricultural community can do the implementation with flexibility to ensure that they continue giving us the clean water that all of us, whether we are from the rural areas, from the cities, whether we are Democrats or Republicans, we not only deserve but we want and we strive to achieve.

So this is not a we-they bill. I urge support of 961, and I wanted at this point to thank the gentleman from Louisiana [Mr. HAYES] for his great leadership in ensuring that this is a bipartisan bill.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I thank the chairman for yielding me this time.

I just wanted to remark there has been much said here today about the economic implications, whether they be good or bad, of this attempt to change the Clean Water Act as it currently exists.

I would just like to say if you represent a coastal State and if you look at the provisions of this bill as it stands today and if you think that is good for your economy, then you should have spent the years of the middle 1980's with me in New Jersey or with the Representatives of Long Island when water was dirty. Those were

the dirty water days. And we got past them.

If you think that doing damage to the wetlands provisions as they exist today, in removing 90 percent of the wetlands in my home State from the rolls of wetlands, if you think that is good for my economy, then you should vote for this bill.

If you think it is good for the economy to gut the CZMA provisions that pertain to nonpoint source pollution, I do not think it is, but if you think it is, then you should vote for this bill.

I would just say that the Coastal States Association does not think that is good, because we have adopted their provisions, and we have done that in the name of the economy. If you think that doing damage to the storm water discharge permitting process, as it happens in this bill, is good for the economy of coastal States, then you should vote for this bill. But I cannot do that, because I know, having lived through the years of the middle 1980's in New Jersey and what happened on Long island, that is not good for the economy.

So if you are concerned about the economy of the coastal areas in this United States, whether it be in Maine, Massachusetts, Rhode Island, New Hampshire, New York, New Jersey, Maryland, or Virginia or the Carolinas, I am not so sure about Georgia; I have never been there, or Florida or the Gulf States or California or Oregon or Wisconsin, if you are not concerned about the economic implications of this bill, then you have not observed what has gone on in those States that have developed dirty water climates.

In the summers of 1987 and 1988, for example, in New Jersey, people were afraid to go to the ocean, afraid to go in the water. They were afraid to take vacations in those kinds of places. So that is our economy, and this bill does damage to it.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to our very fine colleague, the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to H.R. 961, the Clean Water Amendments of 1995. This bill would roll back decades of progress in cleaning up our rivers, lakes, and coastal waters, and it threatens the fragile ecosystems of our Nation's wetlands.

This bill has rightly been called a polluters' bill of rights. Special interests representing some of our Nation's largest polluters wrote this bill, so it is not surprising that it is riddled with custom-made loopholes to let industries pollute.

The bill would increase from just 5 to 70,000 the number of industrial pollutants that could be dumped into our Nation's waterways. It would open up our Nation's most fragile wetlands to development, including more than half of all the wetlands in my home State of Connecticut.

This bill poses a threat to our safe drinking water and to the rivers, streams, and lakes in which we swim and fish.

My constituents along Long Island Sound would be especially harmed by provisions of this bill repealing efforts to clean up our coastal waters. Our coast protection program has proven to be true—that good environmental policy is good economic policy. Clean coastal waters generate billions of dollars in tourism revenue, creates jobs in fishing and other industries, and provide numerous recreational activities.

Connecticut's Coastal Zone Management Program has made great strides at cleaning up the Long Island Sound. It has successfully restored over 1,500 acres of critical tidal wetlands. From 1991 to 1993, the number of beach closings along Long Island Sound was reduced from 292 to 174. But we clearly have more work to do. More than 25 percent of Long Island Sound's beaches still are chronically closed due to pathogen contamination. We need policies and financial resources to continue our progress, not reverse them as this bill would do.

I look forward to supporting the Boehlert-Saxton-Roemer substitute because it preserves our coastal cleanup effort, it takes a more reasonable approach to wetland protection, and closes the polluter loopholes of H.R. 961. I am grateful that the substitute provides strong support for the estuary protection goals of H.R. 1438, the Water Pollution Control and Estuary Protection Act introduced by my colleague from New York, Ms. Lowey, and myself.

The negative impact of H.R. 961 is immeasurable. It is bad news for everyone, except for those industries that will enjoy numerous loopholes and waivers. I urge my colleagues to join me in voting against this bad bill.

□ 1430

Mr. HAYES. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri [Ms. DANNER].

(Ms. DANNER asked and was given permission to revise and extend her remarks.)

Ms. DANNER. Mr. Chairman, I rise in support of H.R. 961 which maintains and builds on the current safeguards in place and complements the needs of States for flexibility. Those directly responsible for water quality in our communities, such as the National Association of Counties, the National League of Cities, and the U.S. Conference of Mayors, support H.R. 961 because it makes environmental benefit a primary focus of H.R. 961 and establishes a program that Congress can support in a truly bipartisan approach to solving our Nation's pollution dilemmas.

Let me read just one sentence from a letter that we have received from the presidents of respectively the National Association of Counties, National League of Cities and the U.S. Conference of Mayors, not the Members of Congress, but members who represent our constituency across the United States. Charges, and I quote exactly, charges that H.R. 961 rolls back environmental protection and that it guts the Clean Water Act are totally unfounded. The measure restores common sense to this unaffordable and undoable mandate.

Remember, my colleagues, we have passed legislation here to do away with unfunded mandates. The people that represent our constituents, as well as ourselves, ask us to recognize unfunded mandates as a real problem. I urge each of my colleagues to support H.R. 961 and to follow the discretion of the chairman and the full Committee on Transportation and Infrastructure by retaining the allotment formula in the bill and opposing any efforts to change the formula.

Mr. Chairman, I want to congratulate Chairman SHUSTER and the entire Transportation and Infrastructure Committee staff for their diligence and exemplary work on H.R. 961.

Mr. Chairman, I rise today in strong support of H.R. 961, the Clean Water Act amendments of 1995 which maintains and builds on the current safeguards in place in our system and complements the State needs for more flexibility.

Those directly responsible for water quality in our communities—such as the National Association of Counties, the National League of Cities and the U.S. Conference of Mayors support H.R. 961 because it makes environmental benefit a primary focus of H.R. 961 and establishes a program that Congress can support in a truly bipartisan approach to solving our Nation's pollution dilemmas.

In a letter submitted from the groups I previously mentioned they said and I quote:

> Charges that H.R. 961 rolls back environmental protection and that it guts the Clean Water Act, are totally unfounded. The measure restores common sense to this unaffordable and undoable mandate.

I urge each of my colleagues to support H.R,. 961 and to follow the discretion of Chairman and the full Transportation and Infrastructure Committee by retaining the allotment formula in the bill and opposing any efforts to change the formula.

I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding.

If I could just have a couple of seconds to give the audience a history lesson. Late in the 1500's we all remember Galileo, and he said at that time he was trying to educate people that the sun was the center of the solar system. Well the Pope heard that, Pope Urban VIII, the head of the early Roman Empire, and he said, if Galileo repeats that comment, the sun is the center of the solar system, he will have his arms and legs dislocated.

Mr. Chairman, I want to put everybody's mind at ease. I do not fear that my arms will be dislocated by making a comment about the provision in this Clean Water Act taking away wetlands, but by the Pope telling that

to Galileo it made no difference. The sun was still the center of the solar system. In this legislation this will not be a wetland.

Now we can say anything we want about wetlands. We can describe them any way we want to describe them. But that does not change the way nature works, and this type of filtration system is absolutely essential if we are going to have any productive coastal fishery, if we are going to have any clean water.

This, my colleagues, regardless of what the bill says, is a wetland.

Mr. MINETA. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, CA [Mr. FILNER], a very fine member of our committee on Transportation and Infrastructure.

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding, but more importantly I thank the gentleman for his tireless efforts on behalf of protecting our environment. I say to him, ''Mr. MINETA, we may lose today's battle, but under your leadership I'm confident we're going to be back, and we will win the long-range war.''

Mr. Chairman and colleagues, I rise today during this debate to urge my colleagues not to turn our back on the health and safety of Americans and to, once again, reassure my constituents in San Diego that they will not have to spend billions for an unnecessary sewage facility. San Diego is assured to regulatory relief with either of the major alternatives on the floor, but we must also be sure that we can fish and swim in San Diego's rivers, lakes, and beaches.

The critical questions that San Diegans must ask themselves about these bills before us is, will I have clean water to drink, will I have a clean beach to swim at, and will I get relief from the multi-billion-dollar secondary treatment boondoggle? With the Boehlert substitute, which I am supporting, the answers are ''yes'' to safe drinking water, ''yes'' to clean beaches, and ''yes'' to relief from increased sewage bills. I cannot support any bill that purports to help San Diego on the one hand and destroys the safety of our drinking water and beaches on the other.

Mr. HAYES. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding, and I particularly want to thank the chairman of the committee, the gentleman from Pennsylvania [Mr. SHUSTER], for bringing this bill to the floor, and I particularly want to pay a great debt of gratitude, I hope, on behalf of this entire House for the efforts, the long-standing efforts that have been made by my colleague and friend, the gentleman from Louisiana [Mr. HAYES], in this effort that has finally reached the floor to reform the wetland laws of America and create some sound, sensible regulations of wetlands in America combined with the right of property owners to be reimbursed when their property is taken for these regulatory purposes.

My colleagues, one of my colleagues from California rose earlier today to complain about lobbyists' hands in the writing of this bill. Let me set the record straight. This bill, the reforms have long been on this table, not this year when the new majority came to town. These reforms have long been on the table, never brought to the floor of this House unfortunately, but long on the table, drafted in part by the efforts, personal efforts of the gentleman from Louisiana [Mr. HAYES], the gentleman from Texas [Mr. LAUGHLIN], many other Members of this body who have urged this House to consider these amendments for many, many years when the Democratic Party was in the majority.

I want to remind my colleagues from California that it was at a meeting with lobbyists of the radical environmental groups in this town on March 4, 1992, with some Members of this House, that a decision was made then to kill the holy trinity, ''unholy trinity'' they called it, ideas called property rights, unfunded mandates and the risk assessment cost-benefit analysis regulatory reform. It was that link, that collusion between the radical environmental left and Members of this House that prevented this bill, these ideas, from ever getting to the floor.

Let me finally make a point. I say to my colleagues, this bill is not just about pollution and clean water. This bill is also about land regulations and activities that are not polluting activities, activities like building a home, activities like forming your property, activities like simply digging a drainage ditch on your property so it drains properly, nonpolluting activities that do not create nuisances for anybody, that have nothing to do with violations of local zoning laws, that simply have to do with the right of a person to use his property for the purposes he intended it for, perhaps to cut a tree for timber purposes, to grow some corn for agricultural purposes, perhaps just to build a house for that son or daughter on the farm so that they can live close to their parents. Those activities are regulated as land-regulated activities under this clean water bill in the guise of wetlands protection, and so when we discuss this bill, and you hear talk about pollution and this bill being only a bill dealing with pollution, remember this is land regulation, too, of nonpolluting activities.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. OXLEY].

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I am pleased to support this reauthorization of the Clean Water Act. It allows us to protect our precious waterways in a cost-effective manner.

I have a particular interest in the Great Lakes provisions in this bill. Lake Erie is a tremendous asset to my home State of Ohio. States like Ohio want to be able to protect this resource in a way that makes regulatory and financial sense.

The language in this bill gives them the flexibility to do exactly that, and we will achieve more real progress than we would get if the EPA's Great Lakes Water Quality Initiative was imposed as a rigid, mandatory regulation.

Municipalities in my district have been concerned about the costly provisions of the G–L–I. Wastewater treatment plants are being told to reduce the discharge of mercury to a level lower than what naturally occurs in rainwater. That amounts to spending millions of dollars to remove a substance that is put back into the Great Lakes every time it rains.

Even if implemented as written, there is no guarantee that the G–L–I will lead to the lifting of a single fish advisory or the opening of an additional mile of shoreline for unrestricted use.

Mr. Chairman, this is a strong bill. Let us support it.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri [Ms. MCCARTHY], a member of the Committee on Science and the Committee on Small Business, who has been contributing a lot to this effort.

(Ms. MCCARTHY asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY. Mr. Chairman, I thank the gentleman from California [Mr. MINETA] for yielding this time to me and for his efforts on behalf of sound legislation.

Mr. Chairman, I rise today to express my concerns with H.R. 961, the Clean Water Amendments of 1995. My State of Missouri is a land of mighty rivers, and clean water is a gift from our ancestors and our legacy to our children.

H.R. 961 would mean the end of our coordinated efforts to improve the quality of this national resource. The strange patchwork of waivers and credits envisioned by this bill would allow polluters to choose the way they will diminish our water quality.

Mr. Chairman, the nine States in the Midwest which suffered devastating floods in 1993, including Missouri, are working to expand wetlands that will help absorb the shock of future flooding.

The National Conference of State Legislatures agrees that title VIII of this bill will cripple those efforts, expose Midwesterners to greater risk of flooding, and expose U.S. taxpayers to greater risk of having to pay for future flood cleanups.

While the funding formula currently in the legislation would provide for additional pollution run-off funds for Missouri, H.R. 961 does not explain to

Missourians how to pay for new treatment plants when the lifeblood of their State, the great Missouri and Mississippi Rivers, run thick once again with pollution. It does not explain how to pay for new homes and businesses when the rivers overflow their banks.

I hope that as we debate amendments to H.R. 961 we will focus on quality of life, and that includes not only new jobs but a clean environment. I hope, too, that we adopt amendments to strike a proper balance between increased State authority and preservation of minimum Federal standards.

These goals are compatible; the Clean Water Act has proven that time and again.

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, my colleagues, the debate we begin today on the Clean Water Act is quite simply the test of whether the center can hold. We are faced on the one hand by the clean water statute that, despite its many strengths, has clear flaws that must be remedied.

□ 1445

We are confronted, on the other hand, with a proposal that instead of simply repairing those flaws, rolls back existing protections, imperiling our rivers, lakes, and coastal waters.

Clearly, neither the status quo nor the proposed rewrite of the Clean Water Act are acceptable alternatives. What is needed is an approach that preserves our water resources without causing undue economic hardship. The gentleman from New Jersey [Mr. SAXTON], the gentleman from Indiana [Mr. ROEMER], and I will offer a substitute later today that offers just such an approach.

What we have done is to take the best proposals being offered around town and combine them into one bill. Our litmus test has not been ideology, but practical input, which proposal was the most likely to reasonably protect our Nation's waters.

For example, we have adopted the National Governors' Association proposal for wetlands protection, a solid middle ground position. H.R. 961, on the other hand, would allow the wholesale destruction of more than half the Nation's wetlands. That is not my opinion, that is what we learned from the scientists. We have just had a report yesterday from the National Academy of Sciences. That would mean increased flooding, less fresh water, and a decline in the fishing and tourism industries.

Current law is too restrictive, and administratively burdensome. The Governors' proposal, which gives States a greater say over wetlands protection, is a sensible approach. It is also a cheaper approach, eliminating the need for a large Federal bureaucracy and a new entitlement through the takings provisions.

Similarly, we have adopted the Coastal States Organization's proposal on coastal nonpoint pollution, which gives States a greater say over how to meet environmental requirements. H.R. 961 would repeal coastal zone protections, increasing the likelihood that beaches will have to be closed to the public, 10,000 were closed last year, and that runoff pollution will close commercial fisheries, threatening a $55 billion industry.

The Coastal States Organization, a group of 30 Governors, has endorsed this provision of our substitute, because we amend the Clean Water Act to eliminate its excesses while retaining its protections. Let me stress that, we eliminate its excesses while retaining its protections. This is an approach we have taken throughout the bill, shopping around for the most sensible, rational approach, eliminating the bureaucracy and redtape of current law, which preventing the environmental degradation of H.R. 961.

Such a centrist approach should be welcome in a country that is clearly sick of ideological warfare and hungry for solutions to our Nation's problems, a country in which 76 percent of the American people want us to do more to protect our Nation's waters, but are skeptical of overbearing Government.

Perhaps that is why our substitute has broad bipartisan support. I look forward to the debate we will have this afternoon, because we will pass this substitute if good sense is allowed to triumph over ideology on both ends of the political spectrum.

A lot of people think Republicans do not give a damn about the environment. A lot of people are wrong. Keep in mind, one person's effluent is another person's drinking water.

Finally, let me point out what the National Conference of State Legislatures has to say. Unless H.R. 961 is significantly amended during floor consideration, the National Conference of State Legislatures urges you to vote against the bill.

We have that significant amendment. We urge you to support Saxton, Boehlert, and Roemer and to oppose the committee bill.

Mr. MINETA. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman from California for his great leadership.

Mr. Chairman, I rise today to say that H.R. 961, the Clean Water Amendments Act of 1995, as presently drafted lessens environmental protection and endangers the very quality of life of all Americans. I have been listening to the debate and, coming from local government, I know there are real concerns about storm water runoff, sewage wastewater, and certainly wetlands. But we must also listen to the EPA administrator that has criticized the bill as being unworkable.

Mr. Chairman, I hope we will come to this process with a bipartisan attitude to fix and correct, but not to eliminate. Currently the Clean Water Act is regarded as one of the most successful environmental mandates passed by Congress. Yes, some of the portions of the act may need some additional flexibility or fine-tuning, but we only have one environment, one planet Earth, and we ought not to take undue risks with it.

As for Texas, I know firsthand that the city of Houston is spending $1.3 billion to address its sanitary sewer overflow. It is important that we follow through. It is important that we continue to improve the quality of our drinking water. Let us not turn back. Let us make sure we fix, but not eliminate the Clean Water Act.

Mr. HAYES. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 961. As chairman of the Committee on Resources, we had joint jurisdiction over this legislation. But also being ranking on the committee of the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure, I watched the building of this bill and watched what he has been able to do, and our committee, full committee, with the exception of two people, fully agreed with what we are attempting to do here, and that is to have clean water.

We have to keep in mind what has been said prior to some of the other speakers about how bad this bill is. This bill achieves many things, but one of the main things that it achieves is clean water realistically. It requires clean water as it should be without the regulations, without the dominance of government interference. It is a needed bill. It has to occur.

One of the things I have heard from most of the Governors around the country is whatever happens, you must review and revamp the Clean Water Act so we can make it apply to our communities and stop making us waste money on testing that is unnecessary, meeting requirements that are unnecessary. And in Alaska alone, which I will have an amendment later on, the biggest city in Alaska had to add fish guts to make sure we met the standards for the particular amount in the water that comes out at the end of the effluent. We had pure water. I could drink it. To say we want to stay with the present bill, the regulations that should never have been applied, is absolutely ludicrous.

More than that, in this bill there is a provision which I hope everybody is listening. The one provision from this bill

that should draw your attention because it affects every State in the Union is the wetlands provision.

You have seen what the wetlands have done to this country, how it has been implemented and enforced by a Federal Government without any jurisdiction of written law, other than a dredging law through regulatory law, where they can tell my State of Alaska that all of your land is wet. You have no longer a right to build or take and construct schools or do things good for your community because we have decided it is wet, without compensation. They have put inroads into our ability to take and produce.

Mr. Chairman, I suggest we also have to keep in mind this Congress in 1971 gave 44 million acres of land to the Alaskan natives, the American Eskimos in Alaska. We gave that land to them as a commitment to them for their economic and social well-being. And what do we do under the wetlands provision? We take it away, because we tell them under the Federal control it is 98 percent wetlands.

You call that justice? I am saying it is time we support this bill. The gentleman from Pennsylvania [Mr. SHUSTER] and the committee have done an excellent job. When I hear members of the committee say this is a bad bill, I say shame on you. This is a good bill that should be passed.

Mr. MINETA. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, today's young people think I am making a joke when I tell them about a river catching fire. That actually happened to the Cuyahoga in Ohio, it was so polluted with industrial wastes and inflammable solvents. In Oregon 3 million residents take for granted the fact they can swim, fish, and even drink Willamette River water. Well, the Willamette River was more like an open sewer in the mid 1960's than it was a pristine river.

They say you cannot turn back the clock. Who would want to turn back the clock to those bad old days? Who indeed? Well, watch for the votes on this bill. A vote for this bill is a vote to turn back the country to the days when our rivers were more like open sewers and industrial cesspools than they were precious resources.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the distinguished majority whip.

Mr. DELAY. Mr. Chairman, in reference to the previous speaker, fear, fear, fear. That is all we have to offer, is fear. We are here to rise in support of the Clean Water Act that brings some common sense, good science, and responsibility, adding much needed reforms to the Clean Water Act, bringing a responsible approach to the Clean Water Act.

I just want to point out a situation in my own district. The city of Lake Jackson, TX, is no stranger to the current tangle of regulatory policies when it comes to wetlands.

Mayor Doris Williams has led that effort since the late eighties to see that the city be allowed to construct a public golf course, despite the U.S. Corps of Engineers' objections that Lake Jackson had not adequately defined all of its jurisdictional wetlands.

You know what that is in this case? Footprints of cows. They had to go out and map every footprint from a cow on these 400 acres of property.

This small city purchased 400 acres of property, and after 4 years of working with regulatory agencies at a cost of well over $100,000, a lot of money to this small city, the city is only now eligible to submit an application to the U.S. Corps of Engineers for an individual 404 permit to construct a public golf course.

There is no guarantee at this time that a permit will be awarded, despite the city's significant efforts and investment. This bill brings the promise of reason and relief to communities such as Lake Jackson.

The time has come for sensible environmental reform. The Clean Water Act Amendments of 1995 provides for risk-based regulation and requires the EPA to subject its mandates to both risk assessment and cost-benefit analysis. It offers flexibility to the States in their efforts to determine how each may best comply with Federal law and contribute to long-term pollution control. Support the bill.

Mr. MINETA. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island, [Mr. REED].

(Mr. REED asked and was given permission to revise and extend his remarks.)

Mr. REED. Mr. Chairman, I rise in opposition to H.R. 961. The Clean Water Act has been instrumental in cleaning up our waters and protecting our environment. H.R. 961, if enacted, would devastate Rhode Island, both its environment and, just as importantly, its economy. We depend upon a clean Narragansett Bay to support not only environmental activities, but also our economy.

In 1989, $42 million was generated by our commercial fishing industry. $11 million was generated by our shellfishing industry. If we lose the Clean Water Act, we will lose a lot of these profits and a lot of the jobs associated with them.

We depend on tourism: $146 million in 1989 for marine recreation activities; $637 million in 1989 for the marine industry in general. Without the Clean Water Act, we will not be able to realize this type of economic activity.

We have to support a strong Clean Water Act. This bill does not do that. We also have to provide the States the resources through the revolving fund to provide cleanup until Rhode Island and elsewhere. Again, this act does not do this. Mr. Chairman, we should reject this provision and support a Clean Water Act.

Mr. HAYES. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. PETE GEREN], a former member of the committee, now on temporary leave, who helped enormously on these issues last year.

(Mr. PETE GEREN of Texas asked and was given permission to revise and extend his remarks.)

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in strong support of this very important legislation. I want to commend my colleague, the gentleman from Louisiana [Mr. HAYES], and the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], for bringing us to where we are today. A lot of work over a lot of years has made this day possible. The legislation we have today brings long overdue balance back to the implementation of this most important piece of environmental legislation.

I would like to talk about a specific provision in the bill, the risk assessment and the cost benefit analysis provisions in H.R. 961. These provisions will result in greater improvements in water quality because they help to focus the Clean Water Act's requirements on significant risk reduction in a manner that provides the greatest amount of environmental benefit for the costs expended.

Mr. Chairman, we have reached the point in every area of this Government where we cannot afford to waste a dime. It is only through cost-benefit analysis and risk assessment that we can make sure that the scarce dollars are targeted for the most important environmental initiatives.

For 20 years the Clean Water Act has been addressing the problems of water quality in this country. The act imposed technology that forced requirements on industry and municipalities and imposed additional water quality controls where technology controls were not enough. These have been successful in cleaning up our Nation's water. It is now time for more precision in order to better focus the resources that are put in play by this act.

Mr. Chairman, I urge my colleagues to support H.R. 961 and commend those who have worked so hard to make this day possible.

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The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHUSTER] has 11½ minutes remaining, the gentleman from California [Mr. MINETA] has 17 minutes remaining, and the gentleman from Louisiana [Mr. HAYES] has 7 minutes remaining.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER], a member of our committee.

Mr. NADLER. Mr. Chairman, the Clean Water Act, since 1972 has been one of the most successful pieces of legislation ever enacted by this Congress. Yet many Members of this body

are willing to throw away all the advances we have made.

During the first 100 days of this Congress, we have heard a lot of talk of Government waste and commonsense reform. Apparently this talk applied only to legislation in the first 100 days.

Two years ago, for example, we ordered a study by the National Academy of Sciences of wetlands to define just what a wetland is. The findings of that study were released just yesterday.

What use has H.R. 961 made of this information? None. The findings of this multimillion dollar study are not reflected in this bill at all. We all knew the study results were promised for May, but the authors of H.R. 961 could not wait. Apparently whatever is driving this bill, it is not scientific information.

The Nation's wetlands, of course, provide a vital source of filtration for our drinking water. But this bill attempts to redefine wetlands. H.R. 961 provides that only 20 percent of the wetlands in the region may be deemed a critical wetland. That leaves 80 percent of the wetlands open for development. Why is only 20 percent of our wetlands going to be protected? This arbitrary standard will deprive 80 percent of our wetlands of any protection and will deprive us of the benefits of that 80 percent.

In New York City we have some of the cleanest drinking water in the United States. We have accomplished this not by building a massive filtration system but by protecting the integrity of our watershed and letting nature do its job. This bill throws out or makes voluntary many of the regulations that protect our watershed. If this dirty water bill passes, it is likely that New York City will have to spend between $6 and $8 billion to build a filtration system to imitate what nature has already accomplished; is that right?

Mr. Chairman, this is not fiscal conservatism. It is not anything we should do.

Mr. HAYES. Mr. Chairman, I reserve the balance of my time.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.

Ms. HARMAN. Mr. Chairman, I rise today in strong opposition to H.R. 961 and hope all our colleagues know how lucky California is to have the leadership of the gentleman from California [Mr. MINETA].

Nowhere will the bill's assault on clean water be felt more strongly than in my district. H.R. 961's many loopholes, waivers and exemptions would allow partially treated sewage to be dumped into Santa Monica Bay, a body of water only now recovering from years of neglect and pollution.

The EPA has reviewed the ocean discharging provisions in H.R. 961 and has stated that they are neither scientifically nor environmentally justifiable and could result in harm to the people who depend upon the oceans and coasts for their livelihood and enjoyment.

While some claim that economics necessitates granting sewage treatment exemptions, dirtier and unsafe oceans will actually hurt southern California's economy by keeping tourists away from our beaches.

The bill does not just relax sewage treatment standards, it also dismantles the storm water and wetlands programs. Such disdain for these important clean water safeguards is especially troubling in Los Angeles where storm water or nonpoint source pollution is now recognized as a major threat to the health of Santa Monica Bay.

Mr. Chairman, over the past 20 years, the Clean Water Act has been one of our most effective and most popular environmental statutes. In less than 20 weeks, the House will have effectively reversed this progress, if it passes H.R. 961. I urge my colleagues to stand up for clean water and to vote against this dirty water bill.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. EWING].

(Mr. EWING asked and was given permission to revise and extend his remarks.)

Mr. EWING. Mr. Chairman, I rise today in strong support of H.R. 961, the Clean Water Amendments of 1995, and urge my colleagues to support the bill as reported by the committee and to reject weakening amendments which seek to gut the bill and preserve the present regulatory status quo.

I also want to thank the gentleman from Pennsylvania [Mr. SHUSTER] for his strong leadership and commitment to clean water.

I would make the points that this bill is very important because it requires the EPA to subject its mandates and regulations to a risk assessment. The regulations must be performance-based. Market incentives can be used to achieve environmental goals. Environmental regulation should be based on the best science, and it is a major victory giving States and local governments control over runoff.

Finally, let me say that it ends the wetlands regulations.

Mr. Chairman, I rise today in strong support of H.R. 961, the Clean Water Amendments of 1995, and urge my colleagues to support the bill, as reported from committee, and to reject weakening amendments which seek to gut the bill and preserve the present regulatory status quo. I also want to thank Chairman SHUSTER for his strong leadership and commitment to Clean Water Act reform.

For the benefit of my colleagues who do not serve on the Transportation and Infrastructure Committee, and who may be confused by the rhetoric of the opponents of H.R. 961, I would like to take a few moments to set the record straight.

H.R. 961 does not weaken the existing Clean Water Act. The committee's bill preserves the same water quality standards as the original Clean Water Act, it authorizes $3 billion annually for water quality programs, and it restores the Founding Father's notion of federalism by freeing State and local governments from one-size-fits-all Federal mandates and empowering them with the flexibility to meet each State's unique regional needs and water quality challenges.

Make no mistake, opponents of H.R. 961 do not trust State and local officials to do what is right for their communities. They only trust Federal Government bureaucrats to make responsible decisions. I do not agree with this type of big government arrogance. The farmers and landowners in my congressional district have had enough of unnecessary interference and costly mandates from Federal bureaucrats.

In addition to stressing State and local management solutions, H.R. 961 is consistent with the regulatory reform themes contained in the Republican Contract With America. H.R. 961 adopts a commonsense approach which requires EPA to complete a regulatory cost-benefit analysis before issuing new rules. The bill also protects States and localities from unfunded Federal mandates, and landowners will receive compensation for regulatory takings of private property. Some of these commonsense provisions have been in law for over a decade, but H.R. 961 finally enforces them.

H.R. 961 applies reason and consistency to the Federal wetlands permitting process. By consolidating the section 404 permitting process under jurisdiction of the U.S. Army Corps of Engineers, landowners will not have to waste their resources and spend months, or sometimes years, trying to obtain the necessary permits from both EPA and the Army Corps. Title VIII of the bill outlines reasonable wetlands delineation standards, and represents sound, fair, and workable wetlands policy.

Arguments that the House should refrain from passing wetlands delineation standards until the National Academy of Sciences study is complete, only reflect H.R. 961's opponents' desire to leave the current, fragmented, and overly burdensome wetlands permitting process in place. Congress has patiently waited for over 19 months from the time the NAS study was originally due, and the results of the study will still not resolve our Nation's wetlands permitting difficulties. Only the language in title VIII of H.R. 961 affirmatively resolves the wetlands permitting problem.

H.R. 961 also prescribes progressive solutions to regulation of nonpoint source pollution and stormwater permitting. Indeed, common sense dictates that there is no need to require permits for stormwater discharge that does not come into contact with pollutants. Yet most importantly, the bill recognizes that voluntary compliance incentives are often more effective than punitive measures.

My colleagues, programmatic change is often met with some resistance, as illustrated by supporters of the status quo who have been critical of many provisions in this legislation. But careful examination of H.R. 961 reveals a bill that strikes a reasoned balance between funding realities and the national goals of the Clean Water Act. It is time to abandon the outdated logic which claims the Federal Government always knows what is best for States and localities, and to give States and the regulated community the flexibility to try

new and innovative approaches to water pollution control.

For these reasons, I urge my colleagues to reject the alarmist rhetoric of the other side, and to support H.R. 961.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Colorado [Mr. SCHAEFER].

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Chairman, I rise in strong support of the legislation before us.

Mr. Chairman, I rise today in strong support of the Transportation and Infrastructure Committee's efforts to improve the Clean Water Act. I applaud Chairman SHUSTER and all of the members of the committee who worked on this proposal.

There is no doubt that America enjoys extremely clean water. However, the problem with the current statute is not the intent: maintaining clean water is an admirable and necessary goal. The problem is its rigid standards. It imposes Federal mandates without regard to individual State and local circumstances and, ironically, it exempts Federal facilities from compliance. H.R. 961 goes a long way toward correcting these flaws.

State and local water systems as well as businesses are crying for relief from the current Federal standards. The one-size-fits-all attitude has created nightmare compliance scenarios for these entities. The clean water Americans currently enjoy will not be sacrificed. Rather, the Federal Government will relinquish its stranglehold and allow State and local officials to determine how to best achieve this worthy goal.

Most importantly, H.R. 961 brings the Federal Government itself into compliance with Clean Water Act standards. Currently, the Federal Government is allowed to taint the very water it claims to protect, all under the guise of sovereign immunity.

H.R. 961 would end this double standard and ensure full compliance at all Federal facilities. At last, communities that happen to be near polluted Federal lands will benefit from the clean water all other citizens enjoy.

Mr. Chairman, I urge all my colleagues to support the Transportation and Infrastructure Committee's thoughtful efforts to improve clean water regulation and its endeavor to end Federal exemption from environmental laws.

Mr. MINETA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I rise today in strong opposition to H.R. 961 and urge my colleagues to reject this overreaching piece of legislation. The Clean Water Act is really one of our Nation's most effective environmental laws, one of our Nation's most effective environmental laws.

In 1972, the year of the Clean Water Act's birth, only one our of three rivers are clean enough for people to fish or swim. Now, the EPA estimates that over 60 percent of our waters are clean enough for fishing and swimming.

I am the first to acknowledge that it is not perfect, and that sometimes it imposes rigid and unneeded requirements that it need not do. Unfortunately, the bill as written fails to target what is broken in the Clean Water Act and build on what works. Instead it throws out good along with the bad.

H.R. 961 would remove 60 percent of our Nation's remaining wetlands from any level of protection. It would weaken standards that protect our waters from industrial pollution by creating dozens of waivers and loopholes. And frankly, it would repeal the entire coastal zone nonpoint source pollution program which on the coastal counties of California would severely hamper the State of California's efforts to preserve the waters off of our coast so that they can be indeed recreational and economically viable for the fish industry.

These changes do not make environmental sense if they are going to gut the bill. And they certainly do not make any economic sense.

The drafters of H.R. 961 have created a bill that accounts for the cost of everything but the value of nothing. I have no doubt that H.R. 961 will save a great many people a great deal of money. But is this good value for future generations?

Clearly, the answer is no. Future generations will pay dearly in many ways to recover the environmental and economic damage that H.R. 961 will allow.

The best feature of the Clean Water Act is that it is a prevention program. It stops pollution before it gets into our waters. H.R. 961 would make the Clean Water Act more like the Superfund, one of the most broken environmental programs. It litigates first and cleans up later.

I urge my colleagues to support the substitute offered by the gentleman from New Jersey [Mr. SAXTON].

Mr. HAYES. Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Iowa [Mr. LATHAM].

(Mr. LATHAM asked and was given permission to revise and extend his remarks.)

Mr. LATHAM. Mr. Chairman, I want to compliment the gentleman from Pennsylvania [Mr. SHUSTER] on bringing this great bill up. I rise today to express my strong support for H.R. 961, the Clean Water Amendments Act reauthorization.

Over the next 3 days, Members of Congress who supported the regulatory reforms of the Contract With America will have an opportunity to put those general principles into existing environmental statute. H.R. 961 restores a proper regulatory balance between Federal, State, and local governments, and it was developed with unprecedented input from the real environmental experts, men and women from local governments and water systems.

It includes individual property rights protection, risk assessment, cost-benefit analysis, and protects against unfunded mandates.

Ultimately, H.R. 961 is a choice between those who believe good government should always regulate more and those who believe government should regulate smarter.

I believe government should regulate smarter, and I encourage my colleagues to support and vote for H.R. 961.

Mr. MINETA. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. MINETA] has 11 minutes remaining, the gentleman from Pennsylvania [Mr. SHUSTER] has 9½ minutes remaining, and the gentleman from Louisiana [Mr. HAYES] has 7 minutes remaining.

Mr. HAYES. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHUSTER] has the right to close the debate.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. EMERSON].

Mr. HAYES. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

The CHAIRMAN. The gentleman from Missouri [Mr. EMERSON] is recognized for 3 minutes.

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

Mr. EMERSON. Mr. Chairman, I thank the gentlemen for yielding time to me.

Mr. Chairman, I rise today in very strong support of the Clean Water Act Amendments of 1995 and against the so-called Boehlert-Roemer substitute. Parochially, let me say that this bill has tremendous positive implications for both rural America and the critical agricultural economy that sustains these same rural communities. But this is also a very genuine bipartisan effort led by the distinguished chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and I welcome this opportunity to finally address both the needs and the solutions that are the subject of this legislation.

The commonsense approach found in this bill is long overdue. I want to commend the chairman for his leadership in bringing this bill before this body. With this being the first major piece of environmental legislation in the new Congress, I am impressed by the broad, bipartisan support behind this bill.

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Mr. Chairman, we all agree that adequate attention must be given to preserving and protecting our environment, but I believe that the pendulum has swung way too far in obstructing the control of this Nation's private property owners over their own land. There must be an appropriate balance, and this bill restores balance. Anyone who believes that private landowners should retain reasonable control over private land as guaranteed by our Constitution should vote for this bill.

In addition, for far too long, Federal wetlands law has been the primary land management tool for any Federal agency that wants to dictate its own wetlands policy. Without congressional debate or public comment, various government agencies and departments that promulgate our wetlands rules and regulations have acted freely in holding farmers and small business owners hostage to their wetlands definition. The fact of the matter is that the contrast between pristine wetlands and a mud puddle is not distinguishable by the various Federal agencies dealing with wetlands. The approach taken in this bill resolves the ever-changing definition of what constitutes a wetland by defining them according to their value and function. This bill also provides needed reforms in the current regulatory system and directs Federal regulators to consider the value of wetlands from competing social, economic, and environmental needs.

In other words, true wetlands have to be wet. And if they are determined to be a pristine wetland, they are protected. And if they are taken by the Government, then landowners will be paid for their economic losses. It is a pretty basic concept, but one that the Federal Government has had a hard time figuring out.

The Clean Water Act Amendments of 1995 provides for voluntary, incentive-based programs in local, State, and Federal partnership to advance clean water goals with nonpoint source pollution. It also gives State and local officials the flexibility to manage and control stormwater like other forms of runoff which helps reduce the high cost of unfunded mandates. Finally, it requires the Environmental Protection Agency [EPA] to subject its mandates and regulations to risk assessment and cost benefit analysis.

For the first time in a long time, we are successfully working together at all levels of government to meet our water quality needs. We do not need straitjackets to have clean drinking water, nor should we allow Federal bureaucrats who know the least about farming or operating a small business to deem what's a wetland from their Washington offices. Through its increased flexibility, the Clean Water Amendments of 1995 benefits farmers, businesses, consumers, local and State governments, and their taxpayers.

Mr. Chairman, any last-minute reactions to derail and weaken this bipartisan effort, whether they be in the form of amendments or so-called substitutes, should be voted down. Such efforts are a breach of our Contract With America and renege on the need for smart regulation, good science, cost-effective risk reduction, and commonsense. The Washington bureaucracy and professional environmental elitists have been ramming these edicts down the throats of the American taxpayer for too long. It is time for the farmer, the rancher, and the small business owner to finally have a say in the process, and we have provided for that forum in this legislation. Vote for the Clean Water Amendments Act of 1995 and vote against any and all efforts to weaken it.

Mr. MINETA. Mr. Chairman, I am privileged to yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], our distinguished minority whip.

Mr. BONIOR. Mr. Chairman, clean water is not just an issue of us versus them. It is about our health, it is about our environment, it is about a quality of life. For many of us, it is about jobs. Since 1972, the Clean Water Act has made great strides in cleaning up our waters. Today 60 percent of our waterways are clean.

I remember as a boy taking my bike, driving down to Lake St. Clair to go swimming, and seeing a sign on the beaches, on the fences by the beaches, saying ''No swimming today—pollution.'' We have cleaned up about 60 percent of that problem. The bad news is that the remaining 40 percent of our water is still polluted.

In the past few years alone we have seen 104 people die in Milwaukee due to drinking water poisoned with cryptosporidium. In my community beaches were closed 2 months last summer, and businesses lost millions of dollars, due to water so choked off by bacteria and seaweeds that ducks could literally walk across it. If anything, we should be strengthening the Clean Water Act, not gutting it. However, the bill before us today will stop a quarter century of progress dead in its tracks.

Mr. Chairman, why do we want to make it easier to poison or lakes and our streams? Why do we want cities and factories dumping raw sewage into the same lakes and rivers we get our drinking water from? Because a few corporations and lobbyists oppose the safeguards we have now? Does anybody really believe these people are looking out for the public interest and public safety first?

In the Great Lakes region, we have seen recent stories of some mothers who ate fish from Lake Michigan during pregnancy and are finding that their children are having developmental problems. Instead of finding answers, however, some people are now suggesting that we weaken the Great Lakes water quality initiative, which was put together so painstakingly with Republicans and Democrats during the Bush administration and into this administration over the last few years.

I sure hope this is not the case, but Mr. Chairman, after all this time, can we not agree that making our waterways safe benefits us all, especially business?

When Lake St. Clair, which borders on my district, was shut down for 2 months last summer, it did not just affect the quality of life, it devastated business. Local marinas and restaurants, businesses which bring in over $1 billion each year from boaters and beachgoers, suffered losses in the millions. When we wondered how it happened, we found out that State inspections were lax, sewer overflow discharges unchecked, and in some instances, Mr. Chairman, in some cases, State permits had not been renewed in nearly 20 years.

I understand the desire to send responsibility back to the States. That is the movement we are in now at the Federal level. However, we have to strike some sense of healthy balance here. It seems to me that a bill written by lobbyists on behalf of some of America's most notorious polluters takes us exactly in the wrong direction. Therefore, Mr. Chairman, I urge my colleagues to vote for common sense, vote for clean water, vote ''no'' on this irresponsible bill.

The CHAIRMAN. The Chair will advise the parties of the time remaining. The gentleman from Louisiana [Mr. HAYES] has 6 minutes remaining; the gentleman from Pennsylvania [Mr. SHUSTER] has 7½ minutes remaining, and the gentleman from California [Mr. MINETA] has 7 minutes remaining.

Mr. HAYES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, there is a lot of misinformation floating around about this bill. I just want to briefly touch on a couple of them.

I represent a prairie pothole region up in the northern part of the United States, and there is letter that has been put out by a wildlife group that claims that there are going to be, in this bill, changes that are going to devastate these prairie pothole regions. That is absolutely not the case. The swampbuster, which is what governs most of our problems, is not even included in this bill.

Second, there is an exemption for the prairie pothole region, so clearly, this letter was written by somebody who has not read the bill and does not understand what the situation is.

The other thing that is thrown around about this bill is this is somehow or another going to allow industry to pollute. If we believe that, then we are going to believe that the EPA or the State Environmental Protection Agency is going to allow this to happen, because in this bill, they have to sign off for these changes.

I just hope that people would read the bill before they engage in all of this rhetoric that really, in my judgment, misses the point. I ask support for the bill.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, as I listened a few moments ago to the distinguished gentleman from Michigan [Mr. BONIOR], I was struck with something. That is, yes to his question that we have had in this country tremendous improvements in the water supply and our waterways over the last 20 years or more, but let us ask ourselves, why have we seen those changes? Why have the improvements come from? Have they come from the basic Clean Water Act that we passed over a generation ago? The answer is yes.

Have those improvements, has that cleaner water, come, though, from the

numerous additional amendments, regulations, and bureaucrats that have been foisted on our communities, our businesses, and our local governments since that time? The answer to that question is no.

What this bill does, and I rise in strong support of H.R. 961, is get us back to where we ought to be, and that is with the basic legislation that is good, and yet does not saddle our communities, our business, and ultimately, the taxpayers in this country, with needless regulation that does not do any good, other than raise the cost to our people. Let us bring balance, let us bring rationality back to this process.

Mr. MINETA. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], our very distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise today to urge my colleagues to defeat this bill, to let all of America know that when it comes to the water that we all drink every day, the water we use to cook, and to feed to our children, there can be no compromise, and we can allow no special interest agenda.

The fact is this so-called clean water bill is anything but clean. It rolls back decades of environmental controls designed with one purpose in mind: to make sure that the water that comes out of our faucets, the water that we swim in and bathe in, is clean and safe.

That is not a Democratic or a Republican goal. Basic health and safety, freedom from pollution and contamination, is something that knows no bound of party or politics. However, in my view, this bill serves an interest that is outside the political process. It serves the interests of industrial polluters looking to save a few pennies, even if that means contaminated water and disease for people.

If Members ask me, that is not what the American voter voted for last November: polluted drinking water, contaminated soil in which to grow good food, filthy water in which to swim.

Some will try to argue that there is no national role in clean water, that States should set their own standards. However, clean water is a national issue. My town of St. Louis, MO, gets all of its drinking water from the Mississippi River, which originates in other States. If those States allow pollution, we in St. Louis drink the consequences.

At the same time, I know that this bill will cost my State millions of dollars in lost sewage treatment funds, money that we desperately need to keep our water clean. Mr. Chairman, if we vote for this bill, we will have more than dirty water. We will have an unclean conscience. This is a bill of special interests, by the special interests, for the special interests. In my opinion, that is reason enough to vote a resounding no.

Then with our drinking water saved from the special interest assault, we can roll up our sleeves and go back to work for the people for a change. I urge Members, in the interests of having safe drinking water in our towns and villages all across this country, to defeat this bill. We can do better.

Mr. HAYES. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentleman from Louisiana [Mr. HAYES] is recognized for the balance of his time, a period of 5 minutes.

Mr. HAYES. Mr. Chairman, I wish the leadership in my party, and I wish my friends in the other party, could all take a short journey with me right at this instant down the mighty Mississippi River and across a marsh to a small town that many of Members would not recognize, but it is named after the gentleman in that portrait, Lafayette. I wish they could stand for a few moments in what is my home.

In the back of my home are lakes. In the back of my home are marshes. In the back of my home are cypress trees. I am quite familiar with all of them. In the back of my home are the last memories I have of the last time I saw my grandmother. In the back of my home are the footsteps still left by my father when he filmed a television commercial, so proud that his son had not only finished school, which he was never able to do because of the Depression, but had gone on to be a Congressman, which to him meant public service. The place is a piece of land, but it is inextricably tied to my family.

I wish I could take those folks to whom land is a few square feet and a high-rise apartment, to understand the boundaries and the linkages between individuals who plant it and plow it and love it, and those who believe it could be better handled by regulators who have never in all likelihood seen it, and assuredly would not understand it.

My mother still lives in that home. She cannot understand why a lake that we dug would be treated as a wetland when it was not before we did it. To her a wetland was made in the marsh by God, not dug by tractors and Caterpillars. She thinks there is a difference between the two.

My mother, who understands the marshes of Louisiana, which are indeed class A wetlands, as they are in the marshes of Maryland, cannot understand why the parking lot of a shopping center in the middle of our towns been declared by the Corps of Engineers as the jurisdictional waters of the United States, nor can I understand how anyone could represent a congressional district, with its half million people, almost any where and not understand that what we have in this debate is a clash of rights of individuals versus powers of Government.

I cannot imagine anyone would support a substitute that insists upon having not one, but 5 Federal agencies veto the actions of potentially 7 other Federal agencies, and want to say that this bill that does nothing but streamline and have a single stop with a single Federal agency is for special interests.

□ 1530

The folks who shrimp in the Gulf of Mexico are special to me. The folks who live there are special to me. The folks who vote there, and send me to Congress to be their voice, want somebody to say enough is enough, and there is a difference between the waterfowl lands that we know and hunt and the lands in individual residential subdivisions that are already for years before of no more ecological value but are very important, and property rights to the individuals who now own them.

I wish somebody could take that journey. Quite frankly, I agree with the gentleman from Michigan [Mr. BONIOR]. I wish I could go back a decade, because right now I am being instructed by folks who cannot understand how to stop crime in their big city on how to do a crime bill, for folks who where I live have been pretty managing and able to have power and rights in their sheriffs to do that for some time, and who do not want cities to teach them how to fight crime, and who sure do not want Manhattan and New York City to tell them about the environment.

They are especially tired of hearing about people that live in Washington DC, which by the way is a marsh, and which under any definition would be a wetland, but no one here who is a bureaucrat would dare treat the people in Washington like they treat the people in Lafayette, LA, on exactly the same kind of property.

The folks at the EPA who paid for the scientists to do the study talk about how useful it is. Well, if I paid for it, I would expect it to be real nice to me, too. Instead I have people who actually paid for it because they wrote the checks for the tax dollars, and who are explaining to the EPA that they work for them and that they ought to have some of their interest in mind.

I wish we could take that journey. It would be more philosophical than it would be in the 1,200 miles of distance, and it would have more education than the combined degrees of all of the scientists who prepared the report, and it would distinguish for you the clear and simple decision to be made in supporting the Clean Water Act.

Clean water is for people, people who in many cases own property, who care about the quality of life there more than any of these whose greatest desire is to exert bureaucratic control over the future of their lives. They believe more in their hometown than they believe in Washington. They believe more in their State than they believe in Washington, and they are right. That will be the degree to which we measure the independence and individuality of this vote on this floor. I hope Members will join me in voting yes.

Mr. SHUSTER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I was astonished by some of the comments of my good friend from Michigan, the minority whip, and indeed the gentleman from Missouri, the minority leader. They perhaps were not on the floor when we quoted directly from the National Governors Association and others, to have them say that this bill is written and supported by polluters and by special interests.

Let me share again who some of those so-called polluters and special interests are. I guess the National Governors Association are polluters and special interests, because we have a letter from them saying, ''We urge approval of this bill.''

I suppose the National Association of Counties, National League of Cities and U.S. Conference of Mayors are polluters and special interests, because we have this letter from them saying that when together we represent all of the Nation's elected officials and charges that H.R. 961 rolls back environmental protection and that it guts the Clean Water Act are totally unfounded.

I suppose, according to their definition, the Association of State and Interstate Water Pollution Control Administrators are polluters and special interests, because we have a letter from them saying with its new comprehensive approaches to nonpoint source watershed and water management, H.R. 961 sets forth a framework that better protects this Nation's waterways.

I support the Water Environment Federation, made up of 42,000 water quality specialists, are polluters and special interests, because we have a letter from them saying, ''We, therefore, want to again urge you to support the Clean Water Amendments of 1995 on the House floor.''

So by the definition of my liberal friends on the Democratic side, I guess the special interests and the polluters are the Governors and the majors and the county leaders and the people responsible for seeing to it that clean water is maintained across our States.

However, let us suppose for a moment all the terrible things that we have heard about this legislation are true. Under this legislation, every State has the absolute right to impose whatever stricter standards it chooses to impose in its State.

So assuming the very worst, the States still have the right to impose whatever standards they choose to impose.

Yes, the bottom line here is what our friends on the other side are embracing, is the ''Washington knows best'' crowd. That is the argument here today. Does Washington know best or do our States and our localities know best?

That is the fundamental issue, and it is for that reason that we should support this legislation, we should reject the Boehlert substitute. We should support this legislation because it indeed goes a long way toward further improving the clean water of America.

Mr. MINETA. Mr. Chairman, I yield 2 minutes, the balance of our time, to the gentleman from Massachusetts [Mr. KENNEDY.]

Mr. KENNEDY of Massachusetts. Mr. Chairman, first I want to thank the gentleman from California [Mr. MINETA], the ranking member, for the tremendous work he has done on trying to protect America's clean water.

This bill that has become known as the Clean Water Act is fast becoming the dirty polluters protection act. The fact is that we have a nation today where 40 percent of our water fails to meet State designated water standards for swimming, fishing, drinking, and other uses. If we are truly interested in protecting this country, not only for our generation but for future generations, the last thing in the world we ought to be doing is allowing this country to create dirtier water that will ultimately affect the basic fundamental health care of this country.

In this bill, we see specific standards being rolled back. The water quality standards will be downgraded. There will be a rollback on the point source pollution issue, which means that big corporations will be able to pollute the drains that go and take water directly into our harbors, and the ratepayers that pay for the sewage treatment will be charged directly for the pollution that the biggest companies in America will go ahead and continue. We see the storm water runoff program again being gutted; the nonpoint source pollution program being gutted.

I heard the chairman of the committee suggest that the mayors and the Governors are all in favor of this bill, but the fact of the matter is he knows right well that they oppose unanimously the provisions in this pertaining to wetlands. The wetlands provisions will absolutely gut the budget of America. If we end up having to pay the billions and billions of dollars which this bill calls for to the owners of wetlands that right now are needed to protect the fundamental environment of this country, it will not only wreck our environment but it will wreck the fundamental economy of this country.

Therefore, let's recognize this bill for what it is. This bill is nothing more than a transfer, again, of power from the ordinary citizens of this country to the biggest corporations in America, saying we will turn a blind eye to what they do, to what the polluters do, in order to look out after the corporations. The Clean Water Act is going to be flushed down the toilet of the Republican agenda.

Mr. SHUSTER. Mr. Chairman, I yield the balance of our time for closing the debate to the gentleman from Tennessee [Mr. WAMP], the distinguished vice chairman of our Subcommittee on Water Resources and Environment.

The CHAIRMAN. The gentleman from Tennessee [Mr. WAMP] is recognized for 3½ minutes.

(Mr. WAMP asked and was given permission to revise and extend his remarks.)

Mr. WAMP. Mr. Chairman, several months ago dozens of us were sent to Washington, DC, to try to bring back to this institution balance and reason. The American people want the pendulum to come back to the middle. We have gone too far with regulation. We have gone too far with litigation. We have gone too far with taxation. I could go on and on. The pendulum needs to come back to the middle.

We are not, as you hear from the other side, rolling back and gutting and destroying and all of these emotional words. We are bringing the pendulum back to the middle and preserving clean water and doing the right thing, but making it tolerable for our free society.

I am proud to come from Chattanooga, TN, a city that at one time was on the dirty air list in this country. Through a spirit of cooperation from the private sector and some government regulations—yes, some but not too many—we have gone from the dirty air list in this country in Chattanooga, TN to the clean air list. We are now becoming a model with respect to water quality and the improvements there in Chattanooga, but it is done out of a desire to cooperate between the private sector and the public sector, and it is not a result of Federal Government micromanagement in every single affair of our citizenry in this country.

H.R. 961 maintains our commitment to clean water while honoring our constitutionally protected private property rights. Every mud puddle in America should not be a wetland. We do not live in Eastern Europe or the Soviet Union. We must protect our constitutional rights. Sometimes in order to understand where we need to go, we need to look back.

Today I reference Thomas Jefferson's quote. He said, ''A wise and frugal government shall restrain men from injuring one another but shall leave them otherwise free to regulate their own pursuit of industry and improvement.''

The Clean Water Amendments of 1995 meet Thomas Jefferson's charge of the balance of regulation.

Back home, since I came here, the folks say to me, ''Isn't there anything that Democrats and Republicans can agree on? Do they always have to go to the House floor and say they're the worst and we're the best and engage in all this partisan division?''

Folks, this is it. This is a historic piece of legislation, and dozens of reasonable Democrats are going to join us. I worked on the subcommittee and the committee level with these reasonable Democrats and they led the charge: good men and women from all across the country saying this is a case where the government has become too big and

intrusive, and we cannot continue to thrive as a free society with these onerous regulations.

Bring the pendulum back to middle. All of my reasonable colleagues on both sides of the aisle join us in support of H.R. 961. We will do the right thing together.

Mr. REED. Mr. Chairman, I rise in strong opposition to the bill before us today. Most of us agree that the Clean Water Act has been instrumental in cleaning up our nation's waters, yet we are debating a bill that, if enacted, would move us backwards and undercut the progress that we have made to ensure that our nation's waters are drinkable, swimmable, and fishable.

If enacted, H.R. 961 would devastate Rhode Island. Rhode Island's 420 miles of coastline, beaches, and water have long been a destination for tourists. Indeed, Narragansett Bay has played an integral role in my state's historical, social, and financial development. In 1989 alone, commercial fishing revenues generated over $42 million, marine recreation generated $146 million, the marine industry generated $637 million, and in 1992, the shellfishing industry yielded a harvest worth $11 million. Total revenues associated with Narragansett Bay exceeded $1 billion for the State of Rhode Island in 1989.

This sort of economic stability is predicated on clean water. However, there is still more work to be done. Beaches are monitored but periodically exceed safe water quality tests. And bans against shellfishing in Rhode Island still occur all too frequently. In December of 1992, 2,800 acres of prime winter shellfish harvesting areas were closed, causing a loss of $1 million in revenues. The state was able to begin to address this environmental and economic disaster because of the support provided under the Clean Water Act's coastal nonpoint source management program, the National Estuary Program, and the National Pollutant Discharge Elimination System (NPDES).

In 1994, the state was able to re-open part of the shellfish harvesting area. However, 40 percent of the shellfish beds are still periodically closed due to coastal nonpoint source pollution, stormwater runoff, and combined sewer overflows. Rhode Island's share of our nation's total quahog landings was nearly 50 percent in 1986. In 1993, it had dropped to 13 percent. Seventy percent of this drop was due to a decrease in water quality. What this means is that every time it rains, shellfishermen in Rhode Island are reminded that the problem has not been fixed yet.

Rhode Islanders also recognize the importance of a clean bay. A 1992 poll by the state Department of Environmental Management and the Narragansett Bay Project found that 98 percent of those surveyed believed that Narragansett Bay is important to Rhode Island, and 93 percent said that it is important to take steps to reduce pollution in Narragansett Bay.

And today we are debating a bill, which, if enacted, would repeal the Clean Water Act's coastal nonpoint source management program. It does not contain any of the language of the DeLauro-Lowey Water Pollution Control and Estuary Restoration Act. And, it eliminates the storm water permit program.

Our water resources are already being pushed to their limits. Population in coastal areas continues to increase. In fact, by the year 2010, Rhode Island's population is expected to grow by 10 percent, with 47 percent of this growth occurring in coastal areas. This increase in population, along with development and pollution, puts more strain on our natural resources, particularly estuaries. And 75 percent of the fish caught by sportsmen and fishermen are estuarine-dependent.

The Clean Water Act has meant jobs, increased revenues for my state, and an increased quality of life for the residents of Rhode Island, as well as many other coastal states. The Clean Water Act provides states with the tools they need to combat the problems that still pollute our waterways. We should increase funding for the State Revolving Funds, but we need to do it in a meaningful way.

Now is not the time to rollback regulations that have improved our nation's economy, environmental resources, and health. I urge my colleagues to oppose this bill.

Mr. MANTON. Mr. Chairman, I rise today to express my deep concern about the Clean Water Act amendments we are considering this week. Twenty years ago, Congress passed the landmark Clean Water Act that is responsible for remarkable improvement in the quality of our Nation's streams, rivers, and oceans. The Clean Water Act is a success story. It demonstrates the ability of Government to positively address a serious national problem. Today, economic development and revitalization, as well as tourism, are thriving along once threatened waterways. And while I encourage careful scrutiny of Federal agency actions, a balance must be struck between economic interests and Federal regulations affecting our water resources. Unfortunately, H.R. 961 does not strike this balance and simply goes too far.

As the former chairman of the Subcommittee on Fisheries Management and a member of the Merchant Marine and Fisheries Committee, I have serious problems with the provisions of H.R. 961 that would eliminate protection for a large percentage of American wetlands and significantly relax our national water quality standards.

Wetland protection is not just a local issue. It affects all parts of our country and provides billions of dollars in economic benefits. Wetlands are vital for both flood control and water quality as well as providing the spawning grounds for fish that are important to the commercial and recreational fishing industries. Our Nation's coastal communities, that support a multimillion-dollar fishing and tourism industry, are dependent on the continued safety and protection of our water resources.

As a member representing this nation's largest port city, I am fearful that H.R. 961 will halt the progress the Clean Water Act has achieved in cleaning up the Hudson River, New York Harbor, and Long Island Sound. Over the past 20 years, the Clean Water Act has been successful in both improving the quality of our Nation's ocean and coastal waters and in renewing the public's faith in Government's ability to protect our environment.

Mr. Chairman, clean water is crucial to ensuring public health, welfare, and quality of life. I urge my colleagues to oppose this ill-conceived measure.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of H.R. 961, the Clean Water Act amendments, even knowing that it is a flawed bill. While this legislation accomplishes a number of positive things, it also unnecessarily retreats on some important clean water initiatives. Nonetheless, no other clean water legislation can secure sufficient votes to pass this House and failure to address the inadequacies of the current Clean Water Act is not an alternative which I can support.

It is important to continue to move the clean water debate forward, and it is my hope that the Senate and conference committee will improve this legislation so that the final version of this bill will be a more carefully deliberated and moderate legislative effort.

Mr. KIM. Mr. Chairman, I rise in support of H.R. 961 and commend Chairman SHUSTER and the other members of our committee who have put this comprehensive reform package together.

Our committee spent months working with governors, state legislatures, local governments, and the regulated community to learn what the problems are with the current law and how to solve them. We kept what is best in the Clean Water Act and provided the necessary funding to tackle the really difficult problems like nonpoint source pollution.

Our bill is a bipartisan bill with strong committee support, introduced by 8 Republicans and 8 Democrats, and passed the subcommittee 19 to 5 and full committee 42 to 16.

Don't be fooled, this bill has strong support at home and in Congress.

As you listen to the debate over the next 3 days, remember what this past election taught us. The American people want a government that achieves results. They want a government that respects their rights, their property and returns authority to the States.

This bill does all of this: reforms the disastrous wetlands program; sets strong water quality criteria that are also cost effective; provides States the flexibility to meet these standards; respects private property rights; and most importantly, it has the money to achieve its goals.

WETLANDS EXAMPLE—1992 VENTURA FLOOD

Let me give you one example of why we need to pass HR 961:

In 1992 Ventura County tried for months—unsuccessfully—to get a 404 wetlands permit to clear vegetation out of a flood control channel. The county knew that a severe rainstorm would cause terrible flooding if the channel was clogged with plants. The EPA called the area a wetland and spent months processing the permit. When torrential rains finally came, Ventura was forced to have Governor Wilson and two Congressman secure an emergency wetlands permit. The county set bulldozers into the channel during the storm and a few hours before the flood hit.

The flooding devastated communities and took several lives.

It is clear that any program that results in these problems must be reformed.

COST EFFECTIVE GOALS AND STANDARDS

Our bill sets tough water quality goals for the States to achieve; allows the Federal Government to enforce water quality criteria; requires EPA to consider costs and benefits; and makes risk assessment a prominent element of water quality decisionmaking.

STATE FLEXIBILITY

As a former city engineer, I know that the solutions to water quality problems in my district are different than New York's solutions.

The goal is the same, but the ways to get there are as diverse as the communities in our country. That's why we need flexibility in the law.

Our bill recognizes this diversity and gives States the tools to achieve Federal goals:

Authorizes pollutant trading within watersheds.

Allows States to develop watershed protection programs that integrate nonpoint source and point source solutions to reach Federal water quality goals.

Again, if the States fail to improve water quality, then the Federal Government can enforce the Federal criteria.

PRIVATE PROPERTY RIGHTS

The American people are tired of a Federal Government that fails to recognize the economic repercussions of its actions.

Our bill is consistent with HR 965 which already passed the House.

Requires the Federal Government to compensate landowners whose property value has been diminished 20 percent or more by a Federal wetland restriction.

This does not prevent important health or safety regulations, but recognizes the constitutional requirement of private property compensation.

FUNDING—ENDS UNFUNDED MANDATES

Perhaps the strongest argument that our bill improves water quality is that it gives States the money to achieve Federal water quality goals: It authorizes $15 billion over 5 years for the State revolving loan fund; authorizes $1 billion over 5 years for nonpoint source funding, and $750 million over 5 years for state administration block grants.

Many Members would have you believe that you can't have clean water without bureaucratic nightmares, burdensome regulations, or unfunded mandates. But you can. The American people demand it. And this bill will give it to you.

I strongly urge my colleagues to support the chairman's bill and oppose weakening amendments.

Mr. BROWN of California. Mr. Chairman, for many years now I have been advocating that we make use of scientific and technological information in the formulation and implementation of public policy. Listening to the many calls for, and endorsements of, the use of sound science that have been made in the 104th Congress you would think that I would feel some sense of accomplishment. Instead, I am shocked and appalled at how far the rhetoric has diverged from reality. The gap has never been wider. Although many supporters of this legislation have emphasized to me their wish to have public policy based upon sound science I cannot reconcile the concept of sound science with the legislation before us. H.R. 961 contains provisions that demonstrate a flagrant disregard for that state of scientific and technological knowledge in the area of water quality. In many cases, it seems the Committee went out of its way to ignore scientific information. The wetlands classification provisions of this bill are but one illustration of this.

Yesterday, the National Academy of Sciences released their study, ''Wetlands: Characteristics and Boundaries.'' This review of wetland delineation was undertaken at the request of Congress. Anyone who takes the time to read through this report or its Executive Summary cannot possibly claim that the wetland classification and delineation scheme contained in this bill has a basis in science. It does not. H.R. 961 contains a political wetland classification scheme that is designed to undermine both federal and state protection of these valuable ecosystems. Defend this scheme, if you wish, on its political merits, but since science was left out of the process of drafting it, be consistent and leave science out of the defense of it.

In looking at this bill, there are many provisions that have been driven by a number of factors: politics, special interests, short-term concerns about the costs and benefits as they affect water pollution-prone industries, and a blind faith that good intentions will maintain water quality. However, I find little evidence that science or commonsense were included and this bill shows a staggering lack of consideration of the many factors embodied by the term ''social justice.'' Every human being, every household on this planet requires water. Every one.

There are many competing uses for our water resources, and they should all be carefully considered and weighed against one another. The discharge of wastewater into water bodies is one of these uses, and it is one that has the potential to preclude other critical uses if not carefully monitored and managed. Numerous provisions in this bill give more consideration to minimizing the cost to polluters of controlling pollution discharges than they do to minimizing the social and economic costs of degrading our water supplies, thus elevating the disposal use above all others. To make cheap pollution disposal the primary focus of this country's water quality policy is totally irresponsible and scientifically, economically, and socially indefensible.

The Clean Water Act is one of our greatest public health and environmental success stories. There are some challenges that remain, and there are sections of the law that should be altered to address the achievement of water quality in a more cost-effective manner. H.R. 961 does not do this. I cannot believe that after all the public money that has been spent to clean up air, water, and land when we have failed to adequately control disposal of pollutants that we will now proceed to return to failed policies that promoted pollution rather than prevention.

Our constituents do not want to return to the days before the Clean Water Act was implemented in this country. Clean water is essential for public health and economic health. Enactment of this bill will be devastating to both. I strongly urge my colleagues to reject this bill, and to insist that the Members of the Transportation Committee draft a responsible piece of legislation that balances all competing uses and all human needs for water in an equitable and truly cost-effective manner.

Mr. STOKES. Mr. Chairman, I rise to oppose H.R. 961, the Clean Water Amendments of 1995, a bill that would turn back progress of the Clean Water Act and undermine two decades of progress in improving the Great Lakes—an important recreational and economic resource to the people of my State. Millions of jobs are directly or indirectly dependent upon water from that body of surface water. H.R. 961 would threaten the economic and environmental resources that the lakes provide.

I am concerned that H.R. 961 eliminates the concept of a level playing field for businesses in the Great Lakes basin, the basis of the Great Lakes Governors' Agreement of 1986 and the Great Lakes initiative. H.R. 961 allows a State to adopt some provisions of the recent Great Lakes initiative, and not others. Clearly, this creates interstate competition based on willingness to degrade the environment.

H.R. 961 also allows companies and municipalities to avoid compliance with proven and accepted environmental standards and in effect rewards those who have done the least to prevent pollution with the greatest opportunity to reduce the cost of wastewater treatment. Indeed, time and time again, this bill guts the Clean Water Act and seriously weakens the Great Lakes water quality initiative—a landmark program designed to ensure that all States within the Great Lakes basin have uniform water quality standards to protect these national treasures—the Great Lakes.

Mr. Speaker, many of the problems facing the Great Lakes are interstate in character and cannot be addressed by any State acting alone. Over the past two decades my State and others have come to rely upon the State-Federal partnership that is the cornerstone of our system of public health protection. This concept of partnership was the basis for the cooperative effort of eight States to develop a water quality guidance program to protect the Great Lakes ecosystem. The overall objective is a consistent, basin-wide water quality standard for the protection of human health, aquatic life, and for the first time, wildlife. This bill would significantly erode that partnership.

H.R. 961 steps backward, away from the call for cost-effective best management practices at the earliest possible date. The new deadline for action would be 20 years from now—a generation away. At the same time some industries would continue to release significant amounts of hazardous substances into the lakes.

Mr. Speaker, I submit that now is not the time to weaken the current clean water law which has been highly effective in improving the Nation's water resources. The argument that the Clean Water Act has become more burdensome than pollution itself is without foundation. What is clear, and rests on a secure factual foundation, is that the Clean Water Act has done much to protect the public's health and increase social and economic opportunities. And even more must be done. Unfortunately, H.R. 961 will ensure that we do less, not more. For these reasons I urge my colleagues to oppose H.R. 961.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute printed in the bill shall be considered by titles as an original bill for the purpose of amendment. The first three sections and each title are considered as read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the Congressional Record. Those amendments will be considered as read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104–114. The amendment may be

offered only by a Member designated in the report, may amend portions of the bill not yet read for amendment, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The amendment shall be debatable for 10 minutes, equally divided and controlled by the Chairman and ranking minority member of the Committee on Transportation and Infrastructure.

If the amendment is adopted, the Committee amendment in the nature of a substitute as so amended shall be considered as original text for the purpose of further amendment.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Clean Water Amendments of 1995''.

(b) TABLE OF CONTENTS.—

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AMENDMENTS OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer en bloc amendments.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. SHUSTER:

Page 6, line 21, before the first period insert the following:

and not unreasonably restrict outdoor recreation and other socially beneficial activities

Page 7, strike lines 14 through 16 and insert the following:

(b) BASIC RESEARCH AND GRANTS TO LOCAL GOVERNMENTS.—Section 104(b)(3) (33 U.S.C. 1254(B)(3)) is amended to read as follows:

''(3) in cooperation with Federal, State and local agencies and public or private institutions, organizations, or individuals, conduct and promote a comprehensive program of basic research, experiments, and studies relating to causes, sources, effects, extent, prevention, and detection of water pollution and make grants to State water pollution control agencies, interstate agencies, local governments, other public or nonprofit private agencies, institutions, organizations, and individuals for such purposes;''.

Page 8, line 1, after ''grants to'' insert ''States, local governments, and''.

Page 8, line 3, after ''works'' insert ''(including treatment works that utilize an alternative wastewater treatment system)''.

Page 8, line 17, after ''works'' insert ''and alternative wastewater treatment systems''.

Page 8, line 20, strike ''water'' and insert ''wastewater''.

Page 9, strike lines 6 through 13 and insert the following:

(2) by inserting before the period at the end the following: ''; (7) not to exceed $21,243,100 per fiscal year for each of fiscal years 1996 through 2000 for carrying out the provisions of subsection (b)(3); and (8) not to exceed $10,000,000 per fiscal year for each of fiscal years 1996 through 2000 for carrying out the provisions of subsections (b)(8) and (b)(9)''.

Page 31, line 15, after ''works'' insert ''and alternative wastewater treatment systems''.

Page 32, line 15, strike ''not later than'' and all that follows through ''established'' on line 16 and insert the following:

within a reasonable period of time as determined by the Administrator or the State, as appropriate, considering facility planning, design, construction, and other implementation factors

Page 34, line 5, strike ''such Act'' and insert ''the Surface Mining Control and Reclamation Act of 1977''.

Page 34, strike lines 6 through 10 and insert the following:

''(B) the post-mining levels of pollutants (other than pH) discharged from such operation do not exceed the levels of pollutants discharged from the remined area before the coal remining operation began and the post-mining pH levels of the discharges from the remined area are not reduced below the pH levels of the discharges from the remined area before the coal remining operation began.''.

Page 36, line 14, strike ''shall reduce'' and all that follows through the period on line 17 and insert the following:

shall take into account the permittee's good-faith efforts to implement the innovation and to comply with any interim limitations and may reduce or eliminate the penalty for such violation.

Page 37, line 5, strike the closing quotation marks and the final period.

Page 37, after line 5, insert the following:

''(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Administrator or a State to enforce, place conditions on, or otherwise regulate emissions into the air or the treatment, storage, or disposal of solid waste or require or enforce conditions on the manufacturing or processing of a chemical substance or mixture in any permit issued under this Act.''.

Page 37, lines 12 and 13, strike ''Notwithstanding any other provision of this Act, the Administrator'' and insert ''The Administrator''.

Page 37, line 15, insert ''at the request of the permittee and'' before ''after public notice''.

Page 37, lines 17 and 18, strike ''subsection (b)'' and insert ''subsection (b)(1)(A), (b)(2)(A), or (b)(2)(E)''.

Page 37, line 24, insert ''from the facility'' after ''pollutants''.

Page 38, line 7, strike ''subsection (b)'' and insert ''subsection (b)(1)(A), (b)(2)(A), or (b)(2)(E)''.

Page 38, after line 23, insert the following:

''(4) LIMITATIONS ON MODIFICATIONS.—A modification of an otherwise applicable limitation or standard may not be made under this subsection if such modification—

''(A) will cause a receiving body of water that is meeting its designated use for all pollutants to no longer meet such use;

''(B) will prevent a receiving body of water that is not meeting its designated use for all pollutants from meeting such use; or

''(C) will cause the introduction of pollutants into a publicly owned treatment works that interferes with, passes through, or is otherwise incompatible with such works or will cause such works to violate its permit under section 402 of this Act.

''(5) GUIDANCE.—Not later than 270 days after the date of the enactment of this subsection, the Administrator shall publish guidance for determining whether a modification of an otherwise applicable limitation or standard under this subsection will achieve an overall reduction in emissions to the environment and result in an overall net benefit to the environment. In developing such guidance, the Administrator shall consult with the States and other interested parties.

''(6) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Administrator or a State to enforce, place conditions on, or otherwise regulate emissions into the air or the treatment, storage, or disposal of solid waste or require or enforce conditions on the manufacturing or processing of a chemical substance or mixture in any permit issued under this Act.

Page 38, line 24, strike ''(4)'' and insert ''(7)''.

Page 39, lines 8 and 9, strike ''Notwithstanding any other provision of this Act, the Administrator'' and insert ''The Administrator''.

Page 41, line 22, after the period insert the following:

Nothing in this subsection shall be construed to authorize the Administrator or a State to enforce, place conditions on, or otherwise regulate emissions into the air or the treatment, storage, or disposal of solid waste or require or enforce conditions on the manufacturing or processing of a chemical substance or mixture in any permit issued under this Act.

Page 41, after line 22, insert the following:

''(6) LIMITATIONS ON MODIFICATIONS.—A modification of an otherwise applicable limitation or standard may not be made under this subsection if such modification—

''(A) will cause a receiving body of water that is meeting its designated use for all pollutants to no longer meet such use;

''(B) will prevent a receiving body of water that is not meeting its designated use for all pollutants from meeting such use; or

''(C) will cause the introduction of pollutants into a publicly owned treatment works that interferes with, passes through, or is otherwise incompatible with such works or will cause such works to violate its permit under section 402 of this Act.

''(7) GUIDANCE.—Not later than 270 days after the date of the enactment of this subsection, the Administrator shall publish guidance for determining whether a modification of an otherwise applicable limitation or standard under this subsection will achieve an overall reduction in discharges to the watershed and result in an overall net benefit to the environment. In developing such guidance, the Administrator shall consult with the States and other interested parties.

Page 41, line 23, strike ''(6)'' and insert ''(8)''.

Page 51, line 8, insert ''applicable to such waters for all pollutants'' after ''uses''.

Page 51, strike line 18 and all that follows through line 4 on page 52.

Page 52, line 5, strike ''(iv)'' and insert ''(iii)''.

Page 52, after line 10, insert the following:

(d) CONSIDERATION OF INFLUENCE OF EXOTIC SPECIES.—Section 303(c)(2) is further amended by adding at the end the following:

''(D) CONSIDERATION OF INFLUENCE OF EXOTIC SPECIES.—In establishing, adopting, or reviewing standards or goals based upon fishable or swimmable uses or uses to assure protection or propagation of a balanced population of fish, shellfish, and wildlife, the State or the Administrator shall consider the influence of exotic or introduced species upon such standards, goals, or uses.

''(E) RECLAIMED WASTEWATER.—If a State adopts or reviews water quality standards and policies pursuant to this section, the State may consider and balance, in addition to other factors referred to in this section, the need for allowing the discharge of reclaimed wastewater to navigable waters to promote the beneficial use of reclaimed wastewater. In addition, the State may take into consideration and reflect in the standards—

''(i) the use and value of reclaimed wastewater for public water supplies;

''(ii) the physical, chemical, and biological conditions that influence water quality in the area subject to the standards, including extremes of temperature, water flow, turbidity, mineralization, salinity, and flooding; and

''(iii) whether the discharge of reclaimed wastewater will result in a net environmental benefit to the watershed subject to the standards.''.

(e) CLARIFICATION OF MIXING ZONE AUTHORITY.—Section 303 (33 U.S.C. 1313) is amended by adding at the end the following:

''(i) CONTINUATION OF MIXING ZONES.—Nothing in this Act shall be construed to authorize the Administrator to prohibit or discontinue mixing zones established by any State for any pollutant or class of pollutants.''.

Page 52, line 22, strike ''an aquatic species'' and all that follows through ''criteria'' on line 24 and insert the following:

an aquatic species that is indigenous to the type of waters, a species that is representative of such a species, or an appropriate species that indicates the toxicity of the effluent in the receiving waters

Page 54, line 1, after ''demonstrates'' insert ''to the permitting authority''.

Page 54, lines 3 and 4, strike ''indigenous, or representative of indigenous, and relevant'' and insert ''indigenous''.

Page 54, line 6, after ''applicable'' insert ''numerical''.

Page 54, line 7, after ''standards'' insert ''for specific pollutants''.

Page 54, line 10, strike ''works'' and all that follows through the final period on line 12 and insert the following:

works—

''(i) if the source or cause of such toxicity cannot, after thorough investigation, be identified; or

''(ii) if the permittee makes to the permitting authority a demonstration described in subparagraph (A).''.

Page 54, line 23, strike ''(D)'' and insert ''(F)''.

Page 61, line 16, after the first period insert the following:

In the case of ammonia, the Administrator shall revise the criteria only to the extent that the current criteria are more stringent than necessary to achieve the objectives of this Act.

Page 63, after line 3, insert the following:

(e) INDUSTRIAL PUBLICLY OWNED TREATMENT WORKS.—Section 304(d) (33 U.S.C. 1314(d)) is amended by adding at the end the following:

''(5) INDUSTRIAL PUBLICLY OWNED TREATMENT WORKS.—

''(A) GUIDELINES.—Not later than 18 months after the date of the enactment of this paragraph, the Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish guidelines for effluent limitations under section 301 and sludge use and disposal requirements under section 405 applicable to publicly owned treatment works designed to treat a predominance of industrial wastewater. Such guidelines shall take into account differences in constituents, treatability, available technology procedures, and costs resulting from the fact that the publicly owned treatment works treat wastewater and manage sludge derived predominantly from industrial sources.

''(B) PERMITS.—Following the issuance of guidelines under this paragraph, permits under section 402 for such publicly owned treatment works shall be derived using the guidelines issued under this paragraph in lieu of applying the regulations otherwise applicable to publicly owned treatment works promulgated under paragraph (1) of this subsection and section 405(d).''.

Page 63, line 4, strike ''(e)'' and insert ''(f)''.

Page 63, line 7, strike ''3 years'' and insert ''1 year''.

Page 63, line 24, strike ''(f)'' and insert ''(g)''.

Page 63, line 4, strike ''(g)'' and insert ''(h)''.

Page 64, strike line 15 and insert the following:

SEC. 308. PERSONNEL AND REPORTING.

Conform the table of contents of the bill accordingly.

Page 64, line 16, before ''Section'' insert ''(a) PERMITTING BOARDS.—''.

Page 64, after line 23, insert the following:

(b) REPORTING.—Section 305(b) (33 U.S.C. 1315(b)) is amended—

(1) in paragraph (1) by striking the matter preceding subparagraph (A) and inserting ''Not later than 3 years after the date of the enactment of the Clean Water Amendments of 1995, and every 5 years thereafter, each State shall prepare and submit to the Administrator a report which shall include—''; and

(2) by adding at the end the following:

''(c) CONSOLIDATION OF REPORTING REQUIREMENTS.—A State may consolidate any of the reporting requirements of this Act that relate to ambient water quality into the report required under this section.''.

Page 65, line 5, strike ''(5)'' and insert ''(6)''.

Page 68, line 20, strike ''20,000'' and insert ''10,000''.

Page 68, line 25, after ''alternative'' insert ''wastewater''.

Page 74, line 19, strike ''and''.

Page 74, line 22, after the semicolon insert ''and''.

Page 74, after line 22, insert the following:

''(E) local limits established by such treatment works in its approved pretreatment program are preventing and will continue to prevent the introduction of pollutants into such treatment works that interfere with, pass through, or are otherwise incompatible with such treatment works;

Page 75, lines 1 and 5, before ''local'' insert ''approved''.

Page 84, line 14, strike ''or runoff''.

Page 92, line 2, after ''vessel'' insert ''or other facility''.

Page 93, strike line 7 and all that follows through line 2 on page 95 and insert the following:

SEC. 318. COOLING WATER INTAKE STRUCTURES.

Section 316(b) (33 U.S.C. 1326(b)) is amended—

(1) by inserting after ''(b)'' the following: ''REGULATION OF COOLING WATER INTAKE STRUCTURES.—'';

(2) by inserting before ''Any'' the following: ''(1) IN GENERAL.—'';

(3) by indenting paragraph (1), as designated by paragraph (2) of this section, and moving such paragraph 2 ems to the right; and

(4) by adding at the end the following:

''(2) INTAKE STRUCTURE CONSIDERATIONS.—

''(A) IN GENERAL.—The Administrator shall require the application of the best technology available to new and existing cooling water intake structures in instances where the Administrator has determined that such a structure is having or could have a significant adverse impact on the aquatic environment.

''(B) NEW INTAKE STRUCTURE.—In identifying the best technology available for any new cooling water intake structure pursuant to subparagraph (A), the Administrator shall consider, at a minimum, the following:

''(i) The relative technological, engineering, and economic feasibility of available intake structure technologies for minimizing adverse impacts to the aquatic environment.

''(ii) The relative technological, engineering, and economic feasibility of available alternatives as to the location, design, construction, and capacity of the intake structure.

''(iii) The relative environmental, social, and economic costs and benefits of available technologies and alternatives identified pursuant to this subparagraph or subparagraph (D).

''(iv) The projected useful life of the point source at which the new cooling water intake structure is located.

''(C) EXISTING INTAKE STRUCTURES.—In identifying the best technology available for an existing cooling water intake structure pursuant to subparagraph (A), the Administrator shall consider, at a minimum, the following:

''(i) The relative technological, engineering, and economic feasibility of reasonably available intake structure retrofit technologies for minimizing adverse impacts to the aquatic environment.

''(ii) The relative environmental, social, and economic costs and benefits of available technologies and alternatives identified pursuant to this subparagraph or subparagraph (D).

''(iii) The projected remaining useful life of the point source at which the existing cooling water intake structure is located.

''(D) CONSIDERATION OF ALTERNATIVES.—In identifying the best technology available for any new or existing cooling water intake structure, the Administrator shall consider environmental enhancements or any other technique that the owner or operator has identified as appropriate alternatives for minimizing adverse impacts to the aquatic environment.

''(3) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) NEW COOLING WATER INTAKE STRUCTURE.—The term 'new cooling water intake structure' means any intake structure the construction of which commences after the publication of final regulations implementing this subsection.

''(B) EXISTING COOLING WATER INTAKE STRUCTURE.—The term 'existing cooling water intake structure' means any intake structure that is not a new cooling water intake structure.''.

Page 109, line 3, strike ''and''.

Page 109, after line 3, insert the following:

''(E) providing financial assistance with respect to those water pollution control activities which have as their principal purpose the protection of public water supplies; and

Page 109, line 4, strike ''(E)'' and insert ''(F)''.

Page 114, line 23, strike ''(j)'' and insert ''(h)''.

Page 117, line 7, before ''livestock'' insert ''agricultural inputs, including''.

Page 117, line 7, after ''manure'' insert a comma.

Page 117, after line 18, insert the following:

(q) CONTROL OF SALT WATER INTRUSION.—Section 319 is further amended by adding at the end the following:

''(s) CONTROL OF SALT WATER INTRUSION.—Nothing in this section authorizes the Administrator to require a State to identify or establish procedures and methods to control salt water intrusion beyond what is provided for in section 208(b)(2)(I).''.

Page 136, line 16, strike ''and'' and all that follows through the period on line 24 and insert the following:

, based on available information, and submit to the Administrator for approval a stormwater management program—

''(A) that controls pollution added from stormwater discharges to the navigable waters within the boundaries of the State and improves the quality of such waters; and

''(B) that the State proposes to establish and administer under State law or interstate compact to apply and assure compliance with this section.

The initial program submission must meet the requirements of this subsection and specifically address the first 5 fiscal years beginning after the date of submission of such management program.

Page 137, lines 24 and 25, strike ''established under subsection (i)''.

Page 148, line 24, after the period insert the following:

If, upon review of a stormwater pollution prevention plan, the State determines that the plan is inadequate, the State may require the facility to modify the plan.

Page 150, line 24, after the first comma insert ''or''.

Page 150, line 24, strike ''or (c)(2)(F),''.

Page 152, line 8, after ''PERMITS'' insert ''AND EFFLUENT GUIDELINES''.

Page 152, line 12, after ''a'' insert ''stormwater''.

Page 152, line 14, after ''1987,'' insert ''or with respect to which an effluent guideline has been issued before February 4, 1987''.

Page 153, line 15, strike ''(b)'' and insert ''(c)''.

Page 159, lines 17 and 18, strike ''of this Act''.

Page 161, strike line 4 and all that follows through line 24 on page 162.

Page 163, line 1, strike ''(j)'' and insert ''(i)''.

Page 163, line 14, strike ''(k)'' and insert ''(j)''.

Page 163, line 16 strike ''1996'' and insert ''1998''.

Page 165, line 10, strike ''(l)'' and insert ''(k)''.

Page 165, line 10, strike ''STORMWATER''.

Page 166, line 12, before the comma insert ''and section 304(a)(13)''.

Page 166, line 20, strike ''(m)'' and insert ''(l)''.

Page 167, line 1, strike ''(n)'' and insert ''(m)''.

Page 167, line 8, strike ''(o)'' and insert ''(n)''.

Page 167, line 12, strike ''(p)'' and insert ''(o)''.

Page 168, line 2, after the period insert the following:

Land that was previously used for mining activities for which reclamation requirements of the Surface Mining Control and Reclamation Act of 1977 have been met and a performance bond or deposit required under section 509 of such Act has been released under section 519 of such Act shall no longer be considered an ore mining and dressing site.

Page 168, after line 17, insert the following:

''(5) ACTIVE COAL MINING SITES.—Discharges comprised entirely of stormwater from an active coal mining site operating under a permit issued under the Surface Mining Control and Reclamation Act of 1977 shall be subject to section 319.

Page 168, line 18, strike ''(5)'' and insert ''(6)''.

Page 169, after line 19, insert the following:

(d) DEVELOPMENT OF STORMWATER CRITERIA.—Section 304(a) is further amended by adding at the end the following:

''(13) DEVELOPMENT OF STORMWATER CRITERIA.—

''(A) IN GENERAL.—To reflect the episodic character of stormwater which results in significant variances in the volume, hydraulics, hydrology, and pollutant load associated with stormwater discharges, the Administrator shall establish, as an element of the water quality standards established for the designated uses of the navigable waters, stormwater criteria which protect the navigable waters from impairment of the designated beneficial uses caused by stormwater discharges. The criteria shall be technologically and financially feasible and may include performance standards, guidelines, guidance, and model management practices and measures and treatment requirements, as appropriate, and as identified in section 322.

''(B) INFORMATION TO BE USED IN DEVELOPMENT.—The stormwater discharge criteria to be established under this paragraph—

''(i) shall be developed from—

''(I) the findings and conclusions of the demonstration programs and research conducted under section 322(h);

''(II) the findings and conclusions of the research and monitoring activities of stormwater dischargers performed in compliance with permit requirements of this Act; and

''(III) other relevant information, including information submitted to the Administrator under the industrial group permit application process in effect under section 402 of this Act on the day before the date of the enactment of this paragraph;

''(ii) shall be developed in consultation with persons with expertise in the management of stormwater (including officials of State and local government, industrial and commercial stormwater dischargers, and public interest groups); and

''(iii) shall be established as an element of the water quality standards that are developed and implemented under this Act by not later than December 31, 2008.''.

Page 169, line 20, strike ''(d)'' and insert ''(e)''.

Page 169, line 24, before the period insert ''that is subject to section 322''.

Page 182, line 1, strike ''An'' and insert ''If an''.

Page 182, line 2, strike ''that''.

Page 182, line 6, strike ''may'' and all that follows through ''use'' on line 9 and insert '', such system or facility is exempt from this Act''.

Page 183, strike lines 4 through 11 and insert the following:

(c) DISCHARGE LIMIT.—Section 402(a) (33 U.S.C. 1342(a)) is further amended by adding at the end the following:

''(7) QUANTITATION LEVEL.—

''(A) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall establish quantitation levels for pollutants based on the lowest level at which a pollutant can be reliably quantified on an interlaboratory basis for each test method published under section 304(h).

''(B) PERMIT LEVELS.—Whenever a limitation for a permit issued under this section is set at a level below the quantitation level established for that pollutant under subparagraph (A) for the test method specified in the permit, any measurement of the pollutant greater than the limitation but less than the quantitation level shall not be considered a violation of the permit. All measurements less than the quantitation level shall be deemed equal to zero for purposes of determining compliance with the limitation.''.

(d) DISCHARGES UNDER PERMIT APPLICATIONS.—Section 402(k) (33 U.S.C. 1342(k)) is amended—

(1) in the first sentence by striking ''except'' and inserting ''except for'';

(2) in the second sentence—

(A) by striking ''Until December 31, 1974, in'' and inserting ''In''; and

(B) by striking ''(1) section 301, 306, or 402 of this Act, or (2)'' and inserting ''section 402 of this Act or''; and

(C) by inserting before the period at the end the following: '', and provided further that if the discharge results in a violation of effluent limitations or standards promulgated under section 301, 302, 303, 304, 306, or 307 of this Act that would be applicable upon issuance of a permit such discharge shall be considered unlawful under section 301 of this Act''; and

(3) by striking the last sentence.

Page 184, line 17, strike ''be'' and all that follows through ''limitation'' on line 18 and insert ''have an affirmative defense to such alleged noncompliance''.

Page 185, line 20, strike ''be'' and all that follows through ''Act'' on line 21 and insert ''have an affirmative defense to such alleged noncompliance''.

Page 187, line 12, strike the semicolon and insert ''or are directly and proximately connected; or''.

Page 187, strike lines 13 through 17.

Page 187, line 18, strike ''(iii)'' and insert ''(ii)''.

Page 187, line 23, strike ''if, for conventional pollutants,'' and insert ''for conventional pollutants, to the extent that the discharger demonstrates that''.

Page 188, line 1, insert ''or substantially similar to'' after ''the same as''.

Page 188, line 12, strike ''that'' and all that follows through the period on line 13 and insert the following:

in circumstances that do not meet the requirements of paragraph (1), including circumstances in which the source of the intake water meets the maximum contaminant levels or treatment techniques for drinking water contaminants established pursuant to the Safe Drinking Water Act for the pollutant of concern. An appropriate credit for pollutants found in intake water is a credit that assures that an owner or operator of a point source is not required to remove, reduce, or treat the amount of any pollutant in an effluent below the amount of such pollutant that is present in the intake water for such facility, except to the extent that the level of such pollutant in the intake water will cause adverse water quality impact that would not otherwise occur.

Page 194, line 20, strike ''paragraph (3)'' and insert ''paragraphs (2) and (3)''.

Page 198, line 13, strike ''approved within 180 days'' and insert ''submitted within 90 days''.

Page 201, after line 2, insert the following:

''(F) DEEMED APPROVAL OF COMPLIANCE PLANS.—A compliance plan submitted under subparagraph (A)(iv) shall be deemed to be approved on the 90th day following the date of such submission, unless the Administrator notifies the remediating party before such 90th day that the plan has been disapproved.''.

Page 201, line 8, strike ''or its political subdivisions,''.

Page 201, line 12, strike ''a person described in clause (i)'' and insert ''a State or Indian tribe''.

Page 202, line 4, strike ''not actively mined or'' and insert ''neither actively mined nor''.

Page 202, line 7, strike ''section'' and insert ''subsection''.

Page 203, line 17, strike ''law'' and insert ''this Act''.

Page 211, line 17, strike ''**VEGETABLE OIL**'' and insert ''**NONPETROLEUM OIL PRODUCTS AND OIL SUBSTITUTES**''.

Conform the table of contents of the bill accordingly.

Page 211, lines 18 and 19, strike ''FATS, OILS, AND GREASES'' and insert ''PETROLEUM AND NONPETROLEUM PRODUCTS''.

Page 211, lines 22 and 23, strike ''a Federal law related to water pollution control,'' and insert ''the Oil Pollution Act of 1990 or the Federal Water Pollution Control Act,''.

Page 212, line 2, strike ''for—'' and insert the following:

for petroleum and nonpetroleum oil products and oil substitutes, including animal fats, vegetable oils, and silicone fluids; and

Page 212, strike lines 3 through line 6.

Page 212, line 10, strike ''fat and oil'' and insert ''petroleum and nonpetroleum oil products and oil substitutes''.

Page 212, lines 13 through 15, strike ''animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii)'' and insert ''petroleum products and nonpetroleum oil products and oil substitutes''.

Page 213, strikes lines 15 and 16 and insert the following:

SEC. 508. PROGRAM AUTHORIZATIONS.

(a) LIMIT ON AUTHORIZATIONS.—No funds are authorized for any fiscal year after fiscal year 2000 for carrying out the programs and activities for which funds are authorized by this Act, including amendments made by this Act.

(b) GENERAL PROGRAM AUTHORIZATIONS.—Section 517 (33 U.S.C. 1376) is amended—

Conform the table of contents of the bill accordingly.

Page 214, after line 7, insert the following:

(b) TREATMENT AS STATES.—Section 518(e) (33 U.S.C. 1377(e)) is amended—

(1) in paragraph (2)—

(A) by striking ''water resources which are'' and inserting ''water resources within the exterior boundaries of a Federal Indian reservation which are on or appurtenant to lands'';

(B) by inserting ''or'' after ''Indians,'';

(C) by striking ''member of an Indian tribe'' and inserting ''member of the reservation's governing Indian tribe'';

(D) by striking '', or otherwise within the borders of an Indian reservation''; and

(E) by striking ''and'' at the end;

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the Administrator's action does not authorize the Indian tribe to regulate lands owned in whole or in part by nonmembers of the tribe or the use of water resources on or appurtentant to such lands.''.

Page 214, line 8, strike ''(b)'' and insert ''(c)''.

Page 215, line 4, strike ''(c)'' and insert ''(d)''.

Page 215, line 17, strike ''(d)'' and insert ''(e)''.

Page 216, line 1, strike ''(e)'' and insert ''(f)''.

Page 222, line 13, after ''quality'' insert ''of navigable waters''.

Page 224, line 22, after ''year'' insert ''or ½ percent per year of the current valuation of such fund''.

Page 225, line 19, strike ''amended by striking'' and insert the following:

amended—

(1) by striking ''is consistent'' and inserting ''is not inconsistent''; and

(2) by striking

Page 226, line 2, before ''treatment'' insert ''publicly owned''.

Page 226, line 4, before the semicolon insert ''without regard to the rank of such project on the State's priority list''.

Page 243, line 15, after ''Secretary'' insert '', in consultation with the States,''.

Page 246, line 2, before the semicolon insert ''based on verifiable, objective science''.

Page 247, strike line 3.

Page 247, line 4, strike ''(iv)'' and insert ''(iii)''.

Page 247, line 5, strike ''(v)'' and insert ''(iv)''.

Page 256, strike line 16 and all that follows through page 257, line 6, and insert the following:

''(A) ANALYSIS.—The Secretary shall determine whether to issue a permit for an activity in waters of the United States classified under subsection (c) as type A wetlands based on—

''(i) a sequential analysis that seeks, to the maximum extent practicable, to—

''(I) avoid adverse impact on the wetlands;

''(II) minimize such adverse impact on wetlands functions that cannot be avoided; and

''(III) compensate for any loss of wetland functions that cannot be avoided or minimized; and

''(ii) the public interest analysis described in paragraph (3).

''(B) WATER DEPENDENT ACTIVITY.—For purposes of subparagraph (A)(i)(I), if an activity is water dependent, an alternative in an area that is not wetlands or waters of the United States shall not be presumed to be available. A water dependent activity is an activity that requires access or proximity to or siting within the wetlands or waters of the United States in question to fulfill its basic purpose.

Page 257, line 7, strike ''(B)'' and insert ''(C)''.

Page 266, line 20, strike ''and''.

Page 266, after line 20, insert the following:

''(vi) provide, where appropriate, for dual use of wetlands within the mitigation bank, as long as the use other than providing compensatory mitigation under this section (I) shall not interfere with the functioning of such bank for providing such mitigation, and (II) shall not adversely impact wetlands or other waters of the United States; and

Page 266, line 21, strike ''(vi)'' and ''(vii)''.

Page 280, line 3, strike ''or''.

Page 280, line 20, strike ''or''.

Page 280, line 23, strike the period and insert ''; or''.

Page 280, after line 23, insert the following:

''(v) result from any silvicultural activity or practice undertaken on economic base lands; or

''(S) result from the conduct of recreational hunting or shooting.

Page 284, strike lines 10 through 18.

Page 284, line 19, strike ''(3)'' and insert ''(2)''.

Page 285, line 1, strike ''section'' and all that follows through the final period on line 2 and insert the following:

subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.).

Page 285, lines 11 and 19, after ''used'' insert the following:

, or a good faith effort is shown by the owner or operator to use such lands,

Page 285, after line 20, insert the following:

''(D) DELINEATIONS GRANDFATHERED.—Delineations by the Secretary of Agriculture regarding wetlands on agricultural lands and associated nonagricultural lands that have become administratively final on or before the date of enactment of the Comprehensive Wetlands Conservation and Management Act of 1995 shall not be subject to further delineation unless the owner requests a new delineation by the Secretary of Agriculture.

Page 289, after line 9, insert the following:

''(G) PERMISSION TO ENTER ONTO PRIVATE PROPERTY.—The Secretaries shall obtain written permission from the owner of private property before entering such property to conduct identification and classification of wetlands pursuant to this paragraph.

Page 293, line 4, before the semicolon insert the following:

; except that, in any case in which guidelines based on such criteria alone would prohibit the specification of a disposal site, the economic impact on navigation and anchorage shall be considered

Page 305, after line 4, insert the following:

''(8) TREATMENT OF EXISTING PROGRAMS.—Any State which has received approval to administer a program pursuant to this subsection before the date of the enactment of the Comprehensive Wetlands Conservation and Management Act of 1995 shall not be required to reapply for approval and shall be permitted to continue administering such program in a manner consistent with the provisions of this section. Upon receipt of a request from the Governor of such State, the Secretary, with the concurrence of the Governor, shall amend the program.

Page 312, after line 9, insert the following:

''(11) CERTIFICATION.—Notwithstanding any other provision of this Act, the Administrator shall not, either directly or indirectly, impose any requirement or condition in a certification required under section 401 that the Secretary determines is inconsistent with the provisions of this section.

Page 312, line 10, strike ''(11)'' and insert ''(12)''.

Page 316, after line 13, insert the following:

''(N) VERNAL POOLS.—The term 'vernal pools' means individual isolated wetlands that have exceptional waterfowl habitat functions and that exhibit the following characteristics:

''(i) an area greater than ½ acre;

''(ii) seasonal standing for no less than 45 consecutive days during the fall and winter in an average precipitation season;

''(iii) an impermeable subsurface hard pan soil layer that prevents subsurface water drainage or percolation; and

''(iv) a surface outlet for relief of water flow.

Page 316, line 14, strike ''(N)'' and insert ''(O)''.

Page 317, after line 16, insert the following:

''(31) The term 'farmed wetland' means those agricultural lands, as defined in section 404, and associated nonagricultural lands exhibiting wetlands characteristics, as delineated solely by the Secretary of Agriculture.

Page 317, line 17, strike ''(31)'' and insert ''(32)''.

Page 317, line 23, strike ''(32)'' and insert ''(33)''.

Page 318, line 4, strike ''(33)'' and insert ''(34)''.

Page 318, line 7, strike ''(34)'' and insert ''(35)''.

Page 318, line 12, strike ''(35)'' and insert ''(36)''.

Page 318, line 18, strike ''(36)'' and insert ''(37)''.

Page 318, line 22, strike ''(37)'' and insert ''(38)''.

Page 319, strike lines 5 through 11.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from California [Mr. MINETA] will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my understanding after we engage in a colloquy that this en bloc amendment may be accepted. I would simply like to point out that the en bloc amendment improves upon this already widely supported bill that we reported out. This package of agreements includes agreements reached with chairmen of the other committees of jurisdiction, noncontroversial items brought to our attention since the committee markup, and other technical matters and miscellaneous issues.

The en bloc also reflects an ongoing dialog with State and local water officials including various provisions directly responding to the concerns and clarifying existing environmental safeguards in the bill.

I would emphasize it is very important that once the en bloc amendment is passed it will be open for amendment by title as we go through the bill so Member's rights are protected as we go through the bill and they will be able, if they choose, to offer amendments to the en bloc amendment.

In the en bloc amendment we deal with several State issues, for examples, reducing from 20,000 to 10,000 the population ceiling for eligibility for the modification of secondary treatment requirements, this at the request of the States.

We delete, this is very important because the gentleman from New York in a previous comment complained about a 20-percent cap on type A wetlands, we delete the 20-percent cap for the type A wetlands for county parishes and boroughs, so this is in response to environmental requests, the various miscellaneous new matters in the bill. At each stage in the process matters have been brought to us, a very open process, and as a result we have included several noncontroversial items in this particular area.

Finally, with regard to committee issues, the package reflects agreements reached with the other committees of jurisdiction in several areas, technical and otherwise, and I would particularly focus on the fact that in this area we provide language that assures that the classification of isolated wetlands is based on sound science. This addresses a concern that all wetlands might be prejudged as falling into a single classification type. Environmentalists have talked with us about this and we have accepted their recommendations in this area.

And with regard to the technical amendments themselves, we have an important clarifying technical amendment that clarifies when local pretreatment limits apply in lieu of categorical pretreatment standards, such local limits must prevent the introduction of pollutants into the treatment works that will interfere with, pass through, or otherwise be incompatible with the treatment works, again, another proenvironmental provision which we have included in the en bloc amendments.

So, that is a very brief description of what I believe can be acceptable, particularly with emphasis that Member's rights are protected to offer amendments relating to any of these en bloc amendments as we move through the title-by-title amending process of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. MINETA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply like to inquire of my friend from Pennsylvania, the distinguished chair of the full Committee on Transportation and Infrastructure, there is a provision in the en bloc amendment which affects EPA's authorities under section 401. And as the gentleman knows, the States are very concerned with any amendments which might affect section 401 and the rights of States to protect their water quality. It is my understanding that the provision is not intended to affect in any way the rights of States to protect water quality under section 401. Is that correct?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the gentleman is correct. The provision in question is intended only to clarify that there is to be no interference from the EPA in the 401 certification process relating to section 404 permits.

Mr. MINETA. It is also my understanding that this provision is not intended to affect the broad issues of States' rights under section 401 and the relationship with hydropower relicensing; is that correct?

Mr. SHUSTER. The gentleman is correct.

Mr. MINETA. Mr. Chairman, it is also noted, as has my colleague from Pennsylvania, that each of the provisions included in the en bloc amendment will be amendable when the appropriate title in the bill is reached, and I understand that that is the way this works.

So, with that understanding, I have no objections to this en bloc amendment.

Mr. SHUSTER. I thank the gentleman.

Mr. MINETA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendments were agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SAXTON:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Clean Water Amendments of 1995''.

(b) TABLE OF CONTENTS.—

SEC. 2. DEFINITION.

In this Act, the term ''Administrator'' means the Administrator of the Environmental Protection Agency.

SEC. 3. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251–1387).

TITLE I—RESEARCH AND RELATED PROGRAMS

SEC. 101. RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION.

(a) NATIONAL PROGRAMS.—Section 104(a) (33 U.S.C. 1254(a)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) in cooperation with appropriate Federal, State, and local agencies, conduct, promote, and encourage to the maximum extent feasible, in watersheds that may be significantly affected by nonpoint sources of pollution, monitoring and measurement of water quality by means and methods that will help to identify the relative contributions of particular nonpoint sources.''.

(b) GRANTS TO LOCAL GOVERNMENTS.—Section 104(b)(3) (33 U.S.C. 1254(b)(3)) is amended by inserting ''local governments,'' after ''interstate agencies,''.

(c) TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.—Section 104(b) (33 U.S.C. 1254(b)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(8) make grants to nonprofit organizations to provide technical assistance and training to rural and small publicly owned treatment works to enable such treatment works to achieve and maintain compliance with the requirements of this Act; and

''(9) disseminate information to rural, small, and disadvantaged communities with respect to the planning, design, construction, and operation of treatment works.''.

(d) WASTEWATER TREATMENT IN IMPOVERISHED COMMUNITIES.—Section 104(q) (33 U.S.C. 1254(q)) is amended by adding at the end the following:

''(5) SMALL IMPOVERISHED COMMUNITIES.—

''(A) GRANTS.—The Administrator may make grants to States to provide assistance for planning, design, and construction of publicly owned treatment works to provide wastewater services to rural communities of 3,000 or less that are not currently served by any sewage collection or water treatment system and are severely economically disadvantaged, as determined by the Administrator.

''(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $50,000,000 per fiscal year for fiscal years 1996 through 2000.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 104(u) (33 U.S.C. 1254(u)) is amended—

(1) by striking ''and'' before ''(6)''; and

(2) by inserting before the period at the end the following: ''; and (7) not to exceed $50,000,000 per fiscal year for each of fiscal years 1996 through 2000 for carrying out the provisions of subsections (b)(3), (b)(8), and (b)(9), except that not less than 20 percent of the sums appropriated pursuant to this clause shall be available for carrying out the provisions of subsections (b)(8) and (b)(9)''.

SEC. 102. STATE MANAGEMENT ASSISTANCE.

Section 106(a) (33 U.S.C. 1256(a)) is amended—

(1) by striking ''and'' before ''$75,000,000'';

(2) by inserting after ''1990'' the following: '', such sums as may be necessary for each of fiscal years 1991 through 1995, and $150,000,000 per fiscal year for each of fiscal years 1996 through 2000''; and

(3) by adding at the end the following: ''States or interstate agencies receiving grants under this section may use such funds to finance, with other States or interstate agencies, studies and projects on interstate issues relating to such programs.''.

SEC. 103. MINE WATER POLLUTION CONTROL.

Section 107 (33 U.S.C. 1257) is amended to read as follows:

''SEC. 107. MINE WATER POLLUTION CONTROL.

''(a) ACIDIC AND OTHER TOXIC MINE DRAINAGE.—The Administrator shall establish a program to demonstrate the efficacy of measures for abatement of the causes and treatment of the effects of acidic and other toxic mine drainage within qualified hydrologic units affected by past coal mining practices for the purpose of restoring the biological integrity of waters within such units.

''(b) GRANTS.—

''(1) IN GENERAL.—Any State or Indian tribe may apply to the Administrator for a grant for any project which provides for abatement of the causes or treatment of the effects of acidic or other toxic mine drainage

within a qualified hydrologic unit affected by past coal mining practices.

''(2) APPLICATION REQUIREMENTS.—An application submitted to the Administrator under this section shall include each of the following:

''(A) An identification of the qualified hydrologic unit.

''(B) A description of the extent to which acidic or other toxic mine drainage is affecting the water quality and biological resources within the hydrologic unit.

''(C) An identification of the sources of acidic or other toxic mine drainage within the hydrologic unit.

''(D) An identification of the project and the measures proposed to be undertaken to abate the causes or treat the effects of acidic or other toxic mine drainage within the hydrologic unit.

''(E) The cost of undertaking the proposed abatement or treatment measures.

''(c) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of a project receiving grant assistance under this section shall be 50 percent.

''(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Contributions of lands, easements, and rights-of-way shall be credited toward the non-Federal share of the cost of a project under this section but not in an amount exceeding 25 percent of the total project cost.

''(3) OPERATION AND MAINTENANCE.—The non-Federal interest shall bear 100 percent of the cost of operation and maintenance of a project under this section.

''(d) PROHIBITED PROJECTS.—No acidic or other toxic mine drainage abatement or treatment project may receive assistance under this section if the project would adversely affect the free-flowing characteristics of any river segment within a qualified hydrologic unit.

''(e) APPLICATIONS FROM FEDERAL ENTITIES.—Any Federal entity may apply to the Administrator for a grant under this section for the purposes of an acidic or toxic mine drainage abatement or treatment project within a qualified hydrologic unit located on lands and waters under the administrative jurisdiction of such entity.

''(f) APPROVAL.—The Administrator shall approve an application submitted pursuant to subsection (b) or (e) after determining that the application meets the requirements of this section.

''(g) QUALIFIED HYDROLOGIC UNIT DEFINED.—For purposes of this section, the term 'qualified hydrologic unit' means a hydrologic unit—

''(1) in which the water quality has been significantly affected by acidic or other toxic mine drainage from past coal mining practices in a manner which adversely impacts biological resources; and

''(2) which contains lands and waters eligible for assistance under title IV of the Surface Mining and Reclamation Act of 1977.''.

SEC. 104. WATER SANITATION IN RURAL AND NATIVE ALASKA VILLAGES.

(a) IN GENERAL.—Section 113 (33 U.S.C. 1263) is amended by striking the section heading and designation and subsections (a) through (f) and inserting the following:

''SEC. 113. ALASKA VILLAGE PROJECTS AND PROGRAMS.

''(a) GRANTS.—The Administrator is authorized to make grants—

''(1) for the development and construction of facilities which provide sanitation services for rural and Native Alaska villages;

''(2) for training, technical assistance, and educational programs relating to operation and maintenance for sanitation services in rural and Native Alaska villages; and

''(3) for reasonable costs of administering and managing grants made and programs and projects carried out under this section; except that not to exceed 4 percent of the amount of any grant made under this section may be made for such costs.

''(b) FEDERAL SHARE.—A grant under this section shall be 50 percent of the cost of the program or project being carried out with such grant.

''(c) SPECIAL RULE.—The Administrator shall award grants under this section for project construction following the rules specified in subpart H of part 1942 of title 7 of the Code of Federal Regulations.

''(d) GRANTS TO STATE FOR BENEFIT OF VILLAGES.—Grants under this section may be made to the State for the benefit of rural Alaska villages and Alaska Native villages.

''(e) COORDINATION.—In carrying out activities under this subsection, the Administrator is directed to coordinate efforts between the State of Alaska, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of the Interior, the Secretary of Agriculture, and the recipients of grants.

''(f) FUNDING.—There is authorized to be appropriated $25,000,000 for fiscal years beginning after September 30, 1995, to carry out this section.''.

(b) CONFORMING AMENDMENT.—Section 113(g) is amended by inserting after ''(g)'' the following: ''DEFINITIONS.—''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS FOR CHESAPEAKE PROGRAM.

Section 117(d) (33 U.S.C. 1267(d)) is amended—

(1) in paragraph (1), by inserting ''such sums as may be necessary for fiscal years 1991 through 1995, and $3,000,000 per fiscal year for each of fiscal years 1996 through 2000'' after ''1990,''; and

(2) in paragraph (2), by inserting ''such sums as may be necessary for fiscal years 1991 through 1995, and $18,000,000 per fiscal year for each of fiscal years 1996 through 2000'' after ''1990,''.

SEC. 106. GREAT LAKES MANAGEMENT.

(a) GREAT LAKES RESEARCH COUNCIL.—

(1) IN GENERAL.—Section 118 (33 U.S.C. 1268) is amended—

(A) in subsection (a)(3)—

(i) by striking subparagraph (E) and inserting the following:

''(E) 'Council' means the Great Lakes Research Council established by subsection (d)(1);'';

(ii) by striking ''and'' at the end of subparagraph (I);

(iii) by striking the period at the end of subparagraph (J) and inserting ''; and''; and

(iv) by adding at the end the following:

''(K) 'Great Lakes research' means the application of scientific or engineering expertise to explain, understand, and predict a physical, chemical, biological, or socioeconomic process, or the interaction of 1 or more of the processes, in the Great Lakes ecosystem.'';

(B) by striking subsection (d) and inserting the following:

''(d) GREAT LAKES RESEARCH COUNCIL.—

''(1) ESTABLISHMENT OF COUNCIL.—There is established a Great Lakes Research Council.

''(2) DUTIES OF COUNCIL.—The Council—

''(A) shall advise and promote the coordination of Federal Great Lakes research activities to avoid unnecessary duplication and ensure greater effectiveness in achieving protection of the Great Lakes ecosystem through the goals of the Great Lakes Water Quality Agreement;

''(B) not later than 1 year after the date of the enactment of this subparagraph and biennially thereafter and after providing opportunity for public review and comment, shall prepare and provide to interested parties a document that includes—

''(i) an assessment of the Great Lakes research activities needed to fulfill the goals of the Great Lakes Water Quality Agreement;

''(ii) an assessment of Federal expertise and capabilities in the activities needed to fulfill the goals of the Great Lakes Water Quality Agreement, including an inventory of Federal Great Lakes research programs, projects, facilities, and personnel; and

''(iii) recommendations for long-term and short-term priorities for Federal Great Lakes research, based on a comparison of the assessments conducted under clauses (i) and (ii);

''(C) shall identify topics for and participate in meetings, workshops, symposia, and conferences on Great Lakes research issues;

''(D) shall make recommendations for the uniform collection of data for enhancing Great Lakes research and management protocols relating to the Great Lakes ecosystem;

''(E) shall advise and cooperate in—

''(i) improving the compatible integration of multimedia data concerning the Great Lakes ecosystem; and

''(ii) any effort to establish a comprehensive multimedia data base for the Great Lakes ecosystem; and

''(F) shall ensure that the results, findings, and information regarding Great Lakes research programs conducted or sponsored by the Federal Government are disseminated in a timely manner, and in useful forms, to interested persons, using to the maximum extent practicable mechanisms in existence on the date of the dissemination, such as the Great Lakes Research Inventory prepared by the International Joint Commission.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall consist of 1 research manager with extensive knowledge of, and scientific expertise and experience in, the Great Lakes ecosystem from each of the following agencies and instrumentalities:

''(i) The Agency.

''(ii) The National Oceanic and Atmospheric Administration.

''(iii) The National Biological Service.

''(iv) The United States Fish and Wildlife Service.

''(v) Any other Federal agency or instrumentality that expends $1,000,000 or more for a fiscal year on Great Lakes research.

''(vi) Any other Federal agency or instrumentality that a majority of the Council membership determines should be represented on the Council.

''(B) NONVOTING MEMBERS.—At the request of a majority of the Council membership, any person who is a representative of a Federal agency or instrumentality not described in subparagraph (A) or any person who is not a Federal employee may serve as a nonvoting member of the Council.

''(4) CHAIRPERSON.—The chairperson of the Council shall be a member of the Council from an agency specified in clause (i), (ii), or (iii) of paragraph (3)(A) who is elected by a majority vote of the members of the Council. The chairperson shall serve as chairperson for a period of 2 years. A member of the Council may not serve as chairperson for more than 2 consecutive terms.

''(5) EXPENSES.—While performing official duties as a member of the Council, a member shall be allowed travel or transportation expenses under section 5703 of title 5, United States Code.

''(6) INTERAGENCY COOPERATION.—The head of each Federal agency or instrumentality that is represented on the Council—

''(A) shall cooperate with the Council in implementing the recommendations developed under paragraph (2);

''(B) on written request of the chairperson of the Council, may make available, on a reimbursable basis or otherwise, such personnel, services, or facilities as may be necessary to assist the Council in carrying out the duties of the Council under this section; and

''(C) on written request of the chairperson, shall furnish data or information necessary to carry out the duties of the Council under this section.

''(7) INTERNATIONAL COOPERATION.—The Council shall cooperate, to the maximum extent practicable, with the research coordination efforts of the Council of Great Lakes Research Managers of the International Joint Commission.

''(8) REIMBURSEMENT FOR REQUESTED ACTIVITIES.—Each Federal agency or instrumentality represented on the Council may reimburse another Federal agency or instrumentality or a non-Federal entity for costs associated with activities authorized under this subsection that are carried out by the other agency, instrumentality, or entity at the request of the Council.

''(9) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

''(10) EFFECT ON OTHER LAW.—Nothing in this subsection affects the authority of any Federal agency or instrumentality, under any law, to undertake Great Lakes research activities.'';

(C) in subsection (e)—

(i) in paragraph (1) by striking ''the Program Office and the Research Office shall prepare a joint research plan'' and inserting ''the Program Office, in consultation with the Council, shall prepare a research plan''; and

(ii) in paragraph (3)(A) by striking ''the Research Office, the Agency for Toxic Substances and Disease Registry, and Great Lakes States'' and inserting ''the Council, the Agency for Toxic Substances and Disease Registry, and Great Lakes States,''; and

(D) in subsection (h)—

(i) by adding ''and'' at the end of paragraph (1);

(ii) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENT.—The second sentence of section 403(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1447b(a)) is amended by striking ''Great Lakes Research Office authorized under'' and inserting ''Great Lakes Research Council established by''.

(b) CONSISTENCY OF PROGRAMS WITH FEDERAL GUIDANCE.—Section 118(c)(2)(C) (33 U.S.C. 1268(c)(2)(C)) is amended by adding at the end the following: ''For purposes of this section, a State's standards, policies, and procedures shall be considered consistent with such guidance if the standards, policies, and procedures are based on scientifically defensible judgments and policy choices made by the State after consideration of the guidance and provide an overall level of protection comparable to that provided by the guidance, taking into account the specific circumstances of the State's waters.''.

(c) REAUTHORIZATION OF ASSESSMENT AND REMEDIATION OF CONTAMINATED SEDIMENTS PROGRAM.—Section 118(c)(7) is amended by adding at the end the following:

''(D) REAUTHORIZATION OF ASSESSMENT AND REMEDIATION OF CONTAMINATED SEDIMENTS PROGRAM.—

''(i) IN GENERAL.—The Administrator, acting through the Program Office, in consultation and cooperation with the Assistant Secretary of the Army having responsibility for civil works, shall conduct at least 3 pilot projects involving promising technologies and practices to remedy contaminated sediments (including at least 1 full-scale demonstration of a remediation technology) at sites in the Great Lakes System, as the Administrator determines appropriate.

''(ii) SELECTION OF SITES.—In selecting sites for the pilot projects, the Administrator shall give priority consideration to—

''(I) the Ashtabula River in Ohio;

''(II) the Buffalo River in New York;

''(III) Duluth and Superior Harbor in Minnesota;

''(IV) the Fox River in Wisconsin;

''(V) the Grand Calumet River in Indiana; and

''(VI) Saginaw Bay in Michigan.

''(iii) DEADLINES.—In carrying out this subparagraph, the Administrator shall—

''(I) not later than 18 months after the date of the enactment of this subparagraph, identify at least 3 sites and the technologies and practices to be demonstrated at the sites (including at least 1 full-scale demonstration of a remediation technology); and

''(II) not later than 5 years after such date of enactment, complete at least 3 pilot projects (including at least 1 full-scale demonstration of a remediation technology).

''(iv) ADDITIONAL PROJECTS.—The Administrator, acting through the Program Office, in consultation and cooperation with the Assistant Secretary of the Army having responsibility for civil works, may conduct additional pilot- and full-scale pilot projects involving promising technologies and practices at sites in the Great Lakes System other than the sites selected under clause (i).

''(v) EXECUTION OF PROJECTS.—The Administrator may cooperate with the Assistant Secretary of the Army having responsibility for civil works to plan, engineer, design, and execute pilot projects under this subparagraph.

''(vi) NON-FEDERAL CONTRIBUTIONS.—The Administrator may accept non-Federal contributions to carry out pilot projects under this subparagraph.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $3,500,000 for each of fiscal years 1996 through 2000.

''(E) TECHNICAL INFORMATION AND ASSISTANCE.—

''(i) IN GENERAL.—The Administrator, acting through the Program Office, may provide technical information and assistance involving technologies and practices for remediation of contaminated sediments to persons that request the information or assistance.

''(ii) TECHNICAL ASSISTANCE PRIORITIES.—In providing technical assistance under this subparagraph, the Administrator, acting through the Program Office, shall give special priority to requests for integrated assessments of, and recommendations regarding, remediation technologies and practices for contaminated sediments at Great Lakes areas of concern.

''(iii) COORDINATION WITH OTHER DEMONSTRATIONS.—The Administrator shall—

''(I) coordinate technology demonstrations conducted under this subparagraph with other federally assisted demonstrations of contaminated sediment remediation technologies; and

''(II) share information from the demonstrations conducted under this subparagraph with the other demonstrations.

''(iv) OTHER SEDIMENT REMEDIATION ACTIVITIES.—Nothing in this subparagraph limits the authority of the Administrator to carry out sediment remediation activities under other laws.

''(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $1,000,000 for each of fiscal years 1996 through 2000.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) RESEARCH AND MANAGEMENT.—Section 118(e)(3)(B) (33 U.S.C. 1268(e)(3)(B)) is amended by inserting before the period at the end the following: '', such sums as may be necessary for fiscal year 1995, and $4,000,000 per fiscal year for each of fiscal years 1996, 1997, and 1998''.

(2) GREAT LAKES PROGRAMS.—Section 118(h) (33 U.S.C. 1268(h)) is amended—

(A) by striking ''and'' before ''$25,000,000''; and

(B) by inserting before the period at the end of the first sentence the following: '', such sums as may be necessary for fiscal years 1992 through 1995, and $17,500,000 per fiscal year for each of fiscal years 1996 through 2000''.

TITLE II—CONSTRUCTION GRANTS

SEC. 201. USES OF FUNDS.

(a) NONPOINT SOURCE PROGRAM.—Section 201(g)(1) (33 U.S.C. 1281(g)(1)) is amended by striking the period at the end of the first sentence and all that follows through the period at the end of the last sentence and inserting the following: ''and for any purpose for which a grant may be made under sections 319(h) and 319(i) of this Act (including any innovative and alternative approaches for the control of nonpoint sources of pollution).''.

(b) RETROACTIVE ELIGIBILITY.—Section 201(g)(1) is further amended by adding at the end the following: ''The Administrator, with the concurrence of the States, shall develop procedures to facilitate and expedite the retroactive eligibility and provision of grant funding for facilities already under construction.''.

SEC. 202. ADMINISTRATION OF CLOSEOUT OF CONSTRUCTION GRANT PROGRAM.

Section 205(g)(1) (33 U.S.C. 1285(g)(1)) is amended by adding at the end the following: ''The Administrator may negotiate an annual budget with a State for the purpose of administering the closeout of the State's construction grants program under this title. Sums made available for administering such closeout shall be subtracted from amounts remaining available for obligation under the State's construction grant program under this title.''.

SEC. 203. SEWAGE COLLECTION SYSTEMS.

Section 211(a) (33 U.S.C. 1291(a)) is amended—

(1) in clause (1) by striking ''an existing collection system'' and inserting ''a collection system existing on the date of the enactment of the Clean Water Amendments of 1995''; and

(2) in clause (2)—

(A) by striking ''an existing community'' and inserting ''a community existing on such date of enactment''; and

(B) by striking ''sufficient existing'' and inserting ''sufficient capacity existing on such date of enactment''.

SEC. 204. VALUE ENGINEERING REVIEW.

Section 218(c) (33 U.S.C. 1298(c)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

SEC. 205. GRANTS FOR WASTEWATER TREATMENT.

(a) COASTAL LOCALITIES.—The Administrator shall make grants under title II of the Federal Water Pollution Control Act to appropriate instrumentalities for the purpose of construction of treatment works (including combined sewer overflow facilities) to serve coastal localities. No less than $10,000,000 of the amount of such grants shall be used for water infrastructure improvements in New Orleans, no less than $3,000,000 of the amount of such grants shall be

used for water infrastructure improvements in Bristol County, Massachusetts, and no less than ⅓ of the amount of such grants shall be used to assist localities that meet both of the following criteria:

(1) NEED.—A locality that has over $2,000,000,000 in category I treatment needs documented and accepted in the Environmental Protection Agency's 1992 Needs Survey database as of February 4, 1993.

(2) HARDSHIP.—A locality that has wastewater user charges, for residential use of 7,000 gallons per month based on Ernst & Young National Water and Wastewater 1992 Rate Survey, greater than 0.65 percent of 1989 median household income for the metropolitan statistical area in which such locality is located as measured by the Bureau of the Census.

(b) FEDERAL SHARE.—Notwithstanding section 202(a)(1) of the Federal Water Pollution Control Act, the Federal share of grants under subsection (a) shall be 80 percent of the cost of construction, and the non-Federal share shall be 20 percent of the cost of construction.

(c) SMALL COMMUNITIES.—The Administrator shall make grants to States for the purpose of providing assistance for the construction of treatment works to serve small communities as defined by the State; except that the term ''small communities'' may not include any locality with a population greater than 75,000. Funds made available to carry out this subsection shall be allotted by the Administrator to the States in accordance with the allotment formula contained in section 604(a) of the Federal Water Pollution Control Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under this section $300,000,000 for fiscal year 1996. Such sums shall remain available until expended and shall be equally divided between subsections (a) and (c) of this section. Such authorization of appropriation shall take effect only if the total amount appropriated for fiscal year 1996 to carry out title VI of the Federal Water Pollution Control Act is at least $3,000,000,000.

TITLE III—STANDARDS AND ENFORCEMENT

SEC. 301. ARID AREAS.

(a) CONSTRUCTED WATER CONVEYANCES.—Section 303(c)(2) (33 U.S.C. 1313(c)(2)) is amended by adding at the end the following:

''(D) STANDARDS FOR CONSTRUCTED WATER CONVEYANCES.—

''(i) RELEVANT FACTORS.—If a State exercises jurisdiction over constructed water conveyances in establishing standards under this section, the State may consider the following:

''(I) The existing and planned uses of water transported in a conveyance system.

''(II) Any water quality impacts resulting from any return flow from a constructed water conveyance to navigable waters and the need to protect downstream users.

''(III) Management practices necessary to maintain the conveyance system.

''(IV) State or regional water resources management and water conservation plans.

''(V) The authorized purpose for the constructed conveyance.

''(ii) RELEVANT USES.—If a State adopts or reviews water quality standards for constructed water conveyances, it shall not be required to establish recreation, aquatic life, or fish consumption uses for such systems if the uses are not existing or reasonably foreseeable or such uses impede the authorized uses of the conveyance system.''.

(b) CRITERIA AND GUIDANCE FOR EPHEMERAL AND EFFLUENT-DEPENDENT STREAMS.—Section 304(a) (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(9) CRITERIA AND GUIDANCE FOR EPHEMERAL AND EFFLUENT-DEPENDENT STREAMS.—

''(A) DEVELOPMENT.—Not later than 2 years after the date of the enactment of this paragraph, and after providing notice and opportunity for public comment, the Administrator shall develop and publish—

''(i) criteria for ephemeral and effluent-dependent streams; and

''(ii) guidance to the States on development and adoption of water quality standards applicable to such streams.

''(B) FACTORS.—The criteria and guidance developed under subparagraph (A) shall take into account the limited ability of ephemeral and effluent-dependent streams to support aquatic life and certain designated uses, shall include consideration of the role the discharge may play in maintaining the flow or level of such waters, and shall promote the beneficial use of reclaimed water pursuant to section 101(a)(10).''.

(c) FACTORS REQUIRED TO BE CONSIDERED BY ADMINISTRATOR.—Section 303(c)(4) is amended by adding at the end the following: ''In revising or adopting any new standard for ephemeral or effluent-dependent streams under this paragraph, the Administrator shall consider the factors referred to in section 304(a)(9)(B).''.

(d) DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(21) The term 'effluent-dependent stream' means a stream or a segment thereof—

''(A) with respect to which the flow (based on the annual average expected flow, determined by calculating the average mode over a 10-year period) is primarily attributable to the discharge of treated wastewater;

''(B) that, in the absence of a discharge of treated wastewater and other primary anthropogenic surface or subsurface flows, would be an ephemeral stream; or

''(C) that is an effluent-dependent stream under applicable State water quality standards.

''(22) The term 'ephemeral stream' means a stream or segments thereof that flows periodically in response to precipitation, snowmelt, or runoff.

''(23) The term 'constructed water conveyance' means a manmade water transport system constructed for the purpose of transporting water in a waterway that is not and never was a natural perennial waterway.''.

SEC. 302. SECONDARY TREATMENT.

(a) COASTAL DISCHARGES.—Section 304(d) (33 U.S.C. 1314(d)) is amended by adding at the end the following:

''(5) COASTAL DISCHARGES.—For purposes of this subsection, any municipal wastewater treatment facility shall be deemed the equivalent of a secondary treatment facility if each of the following requirements is met:

''(A) The facility employs chemically enhanced primary treatment.

''(B) The facility, on the date of the enactment of this paragraph, discharges through an ocean outfall into an open marine environment greater than 4 miles offshore into a depth greater than 300 feet.

''(C) The facility's discharge is in compliance with all local and State water quality standards for the receiving waters.

''(D) The facility's discharge will be subject to an ocean monitoring program acceptable to relevant Federal and State regulatory agencies.''.

(b) MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS.—

(1) IN GENERAL.—Section 301 (33 U.S.C. 1311) is amended by adding at the end the following:

''(s) MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator, with the concurrence of the State, shall issue a 10-year permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from a publicly owned treatment works into marine waters which are at least 150 feet deep through an ocean outfall which discharges at least 1 mile offshore, if the applicant demonstrates that—

''(A) there is an applicable ocean plan and the facility's discharge is in compliance with all local and State water quality standards for the receiving waters;

''(B) the facility's discharge will be subject to an ocean monitoring program determined to be acceptable by relevant Federal and State regulatory agencies;

''(C) the applicant has an Agency approved pretreatment plan in place; and

''(D) the applicant, at the time such modification becomes effective, will be discharging effluent which has received at least chemically enhanced primary treatment and achieves a monthly average of 75 percent removal of suspended solids.

''(2) DISCHARGE OF ANY POLLUTANT INTO MARINE WATERS DEFINED.—For purposes of this subsection, the term 'discharge of any pollutant into marine waters' means a discharge into deep waters of the territorial sea or the waters of the contiguous zone, or into saline estuarine waters where there is strong tidal movement.

''(3) DEADLINE.—On or before the 90th day after the date of submittal of an application for a modification under paragraph (1), the Administrator shall issue to the applicant a modified permit under section 402 or a written determination that the application does not meet the terms and conditions of this subsection.

''(4) EFFECT OF FAILURE TO RESPOND.—If the Administrator does not respond to an application for a modification under paragraph (1) on or before the 90th day referred to in paragraph (3), the application shall be deemed approved and the modification sought by the applicant shall be in effect for the succeeding 10-year period.''.

(2) EXTENSION OF APPLICATION DEADLINE.—Section 301(j) (33 U.S.C. 1311(j)) is amended by adding at the end the following:

''(6) EXTENSION OF APPLICATION DEADLINE.—In the 365-day period beginning on the date of the enactment of this paragraph, municipalities may apply for a modification pursuant to subsection (s) of the requirements of subsection (b)(1)(B) of this section.''.

(c) MODIFICATIONS FOR SMALL SYSTEM TREATMENT TECHNOLOGIES.—Section 301 (33 U.S.C. 1311) is amended by adding at the end the following:

''(t) MODIFICATIONS FOR SMALL SYSTEM TREATMENT TECHNOLOGIES.—The Administrator, with the concurrence of the State, or a State with an approved program under section 402 may issue a permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from a publicly owned treatment works serving a community of 20,000 people or fewer if the applicant demonstrates to the satisfaction of the Administrator that—

''(1) the effluent from such facility originates primarily from domestic users; and

''(2) such facility utilizes a properly constructed and operated alternative treatment system (including recirculating sand filter systems, constructed wetlands, and oxidation lagoons) which is equivalent to secondary treatment or will provide in the receiving waters and watershed an adequate level of protection to human health and the environment and contribute to the attainment of water quality standards.''.

(d) PUERTO RICO.—Section 301 (33 U.S.C. 1311) is further amended by adding at the end the following:

''(u) PUERTO RICO.—

''(1) STUDY BY GOVERNMENT OF PUERTO RICO.—Not later than 3 months after the date of the enactment of this section, the Government of Puerto Rico may, after consultation with the Administrator, initiate a study of the marine environment of Anasco Bay off the coast of the Mayaguez region of Puerto Rico to determine the feasibility of constructing a deepwater outfall for the publicly owned treatment works located at Mayaguez, Puerto Rico. Such study shall recommend one or more technically feasible locations for the deepwater outfall based on the effects of such outfall on the marine environment.

''(2) APPLICATION FOR MODIFICATION.—Notwithstanding subsection (j)(1)(A), not later than 18 months after the date of the enactment of this section, an application may be submitted for a modification pursuant to subsection (h) of the requirements of subsection (b)(1)(B) of this section by the owner of the publicly owned treatment works at Mayaguez, Puerto Rico, for a deepwater outfall at a location recommended in the study conducted pursuant to paragraph (1).

''(3) INITIAL DETERMINATION.—On or before the 90th day after the date of submittal of an application for modification under paragraph (2), the Administrator shall issue to the applicant a draft initial determination regarding the modification of the existing permit.

''(4) FINAL DETERMINATION.—On or before the 270th day after the date of submittal of an application for modification under paragraph (2), the Administrator shall issue a final determination regarding such modification.

''(5) EFFECTIVENESS.—If a modification is granted pursuant to an application submitted under this subsection, such modification shall be effective only if the new deepwater outfall is operational within 5 years after the date of the enactment of this subsection. In all other aspects, such modification shall be effective for the period applicable to all modifications granted under subsection (h).''.

SEC. 303. FEDERAL FACILITIES.

(a) APPLICATION OF CERTAIN PROVISIONS.—Section 313(a) (33 U.S.C. 1323(a)) is amended by striking all preceding subsection (b) and inserting the following:

''SEC. 313. FEDERAL FACILITIES POLLUTION CONTROL.

''(a) APPLICABILITY OF FEDERAL, STATE, INTERSTATE, AND LOCAL LAWS.—

''(1) IN GENERAL.—Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government—

''(A) having jurisdiction over any property or facility, or

''(B) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants,

and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner and to the same extent as any nongovernmental entity, including the payment of reasonable service charges.

''(2) TYPES OF ACTIONS COVERED.—Paragraph (1) shall apply—

''(A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits, and any other requirement),

''(B) to the exercise of any Federal, State, or local administrative authority, and

''(C) to any process and sanction, whether enforced in Federal, State, or local courts or in any other manner.

''(3) PENALTIES AND FINES.—The Federal, State, interstate, and local substantive and procedural requirements, administrative authority, and process and sanctions referred to in paragraph (1) include all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

''(4) SOVEREIGN IMMUNITY.—

''(A) WAIVER.—The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any requirement, administrative authority, and process and sanctions referred to in paragraph (1) (including any injunctive relief, any administrative order, any civil or administrative penalty or fine referred to in paragraph (3), or any reasonable service charge).

''(B) PROCESSING FEES.—The reasonable service charges referred to in this paragraph include fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local water pollution regulatory program.

''(5) EXEMPTIONS.—

''(A) GENERAL AUTHORITY OF PRESIDENT.—The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any requirement to which paragraph (1) applies if the President determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act.

''(B) LIMITATION.—No exemptions shall be granted under subparagraph (A) due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

''(C) TIME PERIOD.—Any exemption under subparagraph (A) shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods of not to exceed 1 year upon the President's making a new determination.

''(D) MILITARY PROPERTY.—In addition to any exemption of a particular effluent source, the President may, if the President determines it to be in the paramount interest of the United States to do so, issue regulations exempting from compliance with the requirements of this section any weaponry, equipment, aircraft, vessels, vehicles, or other classes or categories of property, and access to such property, which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature. The President shall reconsider the need for such regulations at 3-year intervals.

''(E) REPORTS.—The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with the President's reason for granting such exemption.

''(6) VENUE.—Nothing in this section shall be construed to prevent any department, agency, or instrumentality of the Federal Government, or any officer, agent, or employee thereof in the performance of official duties, from removing to the appropriate Federal district court any proceeding to which the department, agency, or instrumentality or officer, agent, or employee thereof is subject pursuant to this section, and any such proceeding may be removed in accordance with chapter 89 of title 28, United States Code.

''(7) PERSONAL LIABILITY OF FEDERAL EMPLOYEES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local water pollution law with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

''(8) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including any fine or imprisonment) under any Federal or State water pollution law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.''.

(b) FUNDS COLLECTED BY A STATE.—Section 313 (33 U.S.C. 1323) is further amended by adding at the end the following:

''(c) LIMITATION ON STATE USE OF FUNDS.—Unless a State law in effect on the date of the enactment of this subsection or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government in penalties and fines imposed for the violation of a substantive or procedural requirement referred to in subsection (a) shall be used by a State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.''.

(c) ENFORCEMENT.—Section 313 is further amended by adding at the end the following:

''(d) FEDERAL FACILITY ENFORCEMENT.—

''(1) ADMINISTRATIVE ENFORCEMENT BY EPA.—The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act.

''(2) PROCEDURE.—The Administrator shall initiate an administrative enforcement action against a department, agency, or instrumentality under this subsection in the same manner and under the same circumstances as an action would be initiated against any other person under this Act. The amount of any administrative penalty imposed under this subsection shall be determined in accordance with section 309(d) of this Act.

''(3) VOLUNTARY SETTLEMENT.—Any voluntary resolution or settlement of an action under this subsection shall be set forth in an administrative consent order.

''(4) CONFERRAL WITH EPA.—No administrative order issued to a department, agency, or instrumentality under this section shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.''.

(d) LIMITATION ON ACTIONS AND RIGHT OF INTERVENTION.—Section 313 is further amended by adding at the end the following:

''(e) LIMITATION ON ACTIONS AND RIGHT OF INTERVENTION.—Any violation with respect to which the Administrator has commenced and is diligently prosecuting an action under this subsection, or for which the Administrator has issued a final order and the violator has either paid a penalty or fine assessed under this subsection or is subject to an enforceable schedule of corrective actions, shall not be the subject of an action under section 505 of this Act. In any action under this subsection, any citizen may intervene as a matter of right.''.

(e) DEFINITION OF PERSON.—Section 502(5) (33 U.S.C. 1362(5)) is amended by inserting before the period at the end the following: ''and includes any department, agency, or instrumentality of the United States''.

(f) DEFINITION OF RADIOACTIVE MATERIALS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(24) The term 'radioactive materials' includes source materials, special nuclear materials, and byproduct materials (as such terms are defined under the Atomic Energy Act of 1954) which are used, produced, or managed at facilities not licensed by the Nuclear Regulatory Commission; except that such term does not include any material which is discharged from a vessel or other facility covered by Executive Order 12344 (42 U.S.C. 7158 note; relating to the Naval Nuclear Propulsion Program).''.

(g) CONFORMING AMENDMENTS.—Section 313(b) (33 U.S.C. 1323(b)) is amended—

(1) by striking ''(b)(1)'' and inserting the following:

''(b) WASTEWATER FACILITIES.—

''(1) COOPERATION FOR USE OF WASTEWATER CONTROL SYSTEMS.—'';

(2) in paragraph (2) by inserting ''LIMITATION ON CONSTRUCTION.—'' before ''Construction''; and

(3) by moving paragraphs (1) and (2) 2 ems to the right.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall only apply to violations occurring after such date of enactment.

SEC. 304. NATIONAL ESTUARY PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The Nation's estuaries are a vital natural resource to which many regional economies are closely tied.

(2) Many of the Nation's estuaries are under a severe threat from point source pollution and polluted run-off (nonpoint source pollution) and from habitat alteration and destruction.

(3) Only through expanded investments in waste water treatment and other water and sediment pollution control and prevention efforts can the environmental and economic values of the Nation's estuaries be restored and protected.

(4) The National Estuary Program created under the Federal Water Pollution Control Act has significantly advanced the Nation's understanding of the declining condition of the Nation's estuaries.

(5) The National Estuary Program has also provided precise information about the corrective and preventative measures required to reverse the degradation of water and sediment quality and to halt the alteration and destruction of vital habitat in the Nation's estuaries.

(6) The level of funding available to States, municipalities, and the Environmental Protection Agency for implementation of approved conservation and management plans is inadequate, and additional financial resources must be provided.

(7) Funding for implementation of approved conservation and management plans should be provided under the State revolving loan fund program authorized by title VI of the Federal Water Pollution Control Act.

(8) Authorization levels for State revolving loan fund capitalization grants should be increased by an amount necessary to ensure the achievement of the goals of the Federal Water Pollution Control Act.

(b) TECHNICAL AMENDMENT.—Section 320(a)(2)(B) (33 U.S.C. 1330(a)(2)(B)) is amended to read as follows:

''(B) PRIORITY CONSIDERATION.—The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Massachusetts Bay, Massachusetts (including Cape Cod Bay and Boston Harbor); Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albemarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; Santa Monica Bay, California; Galveston Bay, Texas; Barataria-Terrebonne Bay estuary complex, Louisiana; Indian River Lagoon, Florida; Charlotte Harbor, Florida; Barnegat Bay, New Jersey; and Peconic Bay, New York.''.

(c) GRANTS.—Section 320(g)(2) (33 U.S.C. 1330(g)(2)) is amended by inserting ''and implementation monitoring'' after ''development''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) (33 U.S.C. 1330(i)) is amended by striking ''1987'' and all that follows through ''1991'' and inserting the following: ''1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1995, and $19,000,000 per fiscal year for each of fiscal years 1996 through 2000''.

SEC. 305. NONPOINT SOURCE MANAGEMENT PROGRAMS.

(a) REVIEW AND REVISION.—Section 319(b) (33 U.S.C. 1329(b)) is amended by adding at the end the following:

''(5) REVIEW AND REVISION.—Not later than 18 months after the date of the enactment of this paragraph, the State shall review and revise the report required by this subsection and submit such revised report to the Administrator for approval.''.

(b) APPROVAL OR DISAPPROVAL OF MANAGEMENT PROGRAMS.—Section 319(d)(1) (33 U.S.C. 1329(d)(1)) is amended by inserting ''or revised management program'' after ''management program'' each place it appears.

(c) GRANTS FOR PROTECTING GROUND WATER QUALITY.—Section 319(i)(3) (33 U.S.C. 1329(i)(3)) is amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 319(j) (33 U.S.C. 1329(j)) is amended—

(1) by striking ''and'' before ''$130,000,000'';

(2) by inserting after ''1991'' the following: '', such sums as may be necessary for fiscal years 1992 through 1995, $100,000,000 for fiscal year 1996, $150,000,000 for fiscal year 1997, $200,000,000 for fiscal year 1998, $250,000,000 for fiscal year 1999, and $300,000,000 for fiscal year 2000''; and

(3) by striking ''$7,500,000'' and inserting ''$25,000,000''.

(e) AGRICULTURAL INPUTS.—Section 319 (33 U.S.C. 1329) is amended by adding at the end the following:

''(o) AGRICULTURAL INPUTS.—For the purposes of this Act, any land application of livestock manure shall not be considered a point source and shall be subject to enforcement only under this section.''.

SEC. 306. COASTAL ZONE MANAGEMENT.

Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1451 note) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''(A)'' after ''PROGRAM DEVELOPMENT.—''; and

(B) by adding at the end the following:

''(B) A State that has not received Federal approval for the State's core coastal management program pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) shall have 30 months from the date of approval of such program to submit a Coastal Nonpoint Pollution Program pursuant to this section. Any such State shall also be eligible for any extension of time for submittal of the State's nonpoint program that may be received by a State with a federally approved coastal management program.'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''to protect coastal waters generally'' and inserting ''to restore and protect coastal waters where the State has determined that coastal waters are threatened or significantly degraded'';

(3) in subsection (b)(3)—

(A) by striking ''The implementation'' and inserting ''A schedule for the implementation''; and

(B) by inserting '', and no less often than once every 5 years,'' after ''from time to time'';

(4) in subsection (b) by adding at the end the following:

''(7) IDENTIFICATION OF PRIORITY AREAS.—A prioritization of the areas in the State in which management measures will be implemented.'';

(5) in subsection (c) by adding at the end the following:

''(5) CONDITIONAL APPROVAL.—The Secretary and Administrator may grant conditional approval to a State's program where the State requests additional time to complete the development of its program. During the period during which the State's program is subject to conditional approval, the penalty provisions of paragraphs (3) and (4) shall not apply.'';

(6) in subsection (h)(1) by striking '', 1993, and 1994'' and inserting ''through 2000''; and

(7) in subsection (h)(2)(B)(iv) by striking ''fiscal year 1995'' and inserting ''each of fiscal years 1995 through 2000''.

SEC. 307. COMPREHENSIVE WATERSHED MANAGEMENT.

(a) IN GENERAL.—Title III (33 U.S.C. 1300–1330) is amended by adding at the end the following:

''SEC. 321. COMPREHENSIVE WATERSHED MANAGEMENT.

''(a) FINDINGS, PURPOSE, AND DEFINITIONS.—

''(1) FINDINGS.—Congress finds that comprehensive watershed management will further the goals and objectives of this Act by—

''(A) identifying more fully water quality impairments and the pollutants, sources, and activities causing the impairments;

''(B) integrating water protection quality efforts under this Act with other natural resource protection efforts, including Federal efforts to define and protect ecological systems (including the waters and the living resources supported by the waters);

''(C) defining long-term social, economic, and natural resource objectives and the water quality necessary to attain or maintain the objectives;

''(D) increasing, through citizen participation in the watershed management process, public support for improved water quality;

''(E) identifying priority water quality problems that need immediate attention; and

''(F) identifying the most cost-effective measures to achieve the objectives of this Act.

''(2) PURPOSE.—The purpose of this section is to encourage comprehensive watershed management in maintaining and enhancing water quality, in restoring and protecting living resources supported by the waters, and in ensuring waters of a quality sufficient to meet human needs, including water supply and recreation.

''(3) DEFINITIONS.—In this section, the following definitions apply:

''(A) ECOSYSTEM.—The term 'ecosystem' means the community of plants and animals (including humans) and the environment (including surface water, the ground water with which it interacts, and riparian areas) upon which that community depends.

''(B) ENVIRONMENTAL OBJECTIVES.—The term 'environmental objectives' means the goals specified by States or State-designated watershed management entities to protect, restore, and maintain water resources and aquatic ecosystems within a watershed, including applicable water quality standards and wetlands protection goals established under the Act.

''(C) STATE.—The term 'State' includes Indian tribes eligible under section 518(e).

''(b) STATE WATERSHED PROGRAM.—

''(1) SUBMITTAL.—A State, at any time, may submit to the Administrator for approval a watershed management program for the State.

''(2) APPROVAL.—The Administrator shall approve a State watershed program submitted under paragraph (1) if the program, at a minimum, contains the following elements:

''(A) An identification of the State agency generally responsible for overseeing and approving watershed management plans and a designation of watershed management entities and lead responsibilities for such entities. Such entities may include other State agencies and sub-State agencies.

''(B) A description of the scope of the program. In determining the scope of the program, the State may choose to address all watersheds within the State over a period of time or to concentrate efforts on selected watersheds. Within each watershed, the issues to be addressed should be based on a comprehensive analysis of the problems within the watershed. The scope of the program may expand over a period of time both in terms of the number of watersheds and the issues addressed by the program.

''(C) An identification of watershed management units for which watershed management plans will be developed. In selecting such units, the State shall consider those waters in the State that are water quality threatened or impaired or are otherwise in need of special protection. To the extent practicable, the boundaries of each watershed management unit shall be consistent with United States Geological Service hydrological units.

''(D) A description of activities required of watershed management entities (as specified under subsection (f)(1)) and a description of the State's approval process for watershed management plans.

''(E) A specification of an effective public participation process, including procedures to encourage the public to participate in developing and implementing watershed management plans.

''(F) An identification of the statewide environmental objectives that will be pursued in each watershed. Such objectives, at a minimum, shall include State water quality standards and goals under this Act, and, as appropriate, other objectives such as habitat restoration and biological diversity.

''(2) DEADLINE.—The Administrator, after consultation with other Federal agencies, shall approve or disapprove a State watershed program submitted under paragraph (1) on or before the 180th day following the date of the submittal. If a State watershed program is disapproved, the State may modify and resubmit its program under paragraph (1).

''(3) ANNUAL REPORT.—A State with an approved watershed program under this subsection shall provide to the Administrator an annual report summarizing the status of the program, including a description of any modifications to the program. An annual report submitted under this section may be used by the State to satisfy reporting requirements under sections 106, 314, 319, and 320.

''(4) EFFECTIVE PERIOD OF APPROVALS.—An approval of a State watershed program under paragraph (2) shall remain in effect for a 5-year period beginning on the date of the approval and may be renewed by the Administrator.

''(5) WITHDRAWAL OF APPROVAL.—Whenever the Administrator determines after public hearing that a State is not administering a watershed program approved under paragraph (2) in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

''(c) DESIGNATION OF ADDITIONAL WATERSHED MANAGEMENT UNITS AND ENTITIES.—A State with an approved watershed program under this section may modify such program at any time in order to designate additional watershed management units and entities, including lead responsibilities, for the purpose of developing and implementing watershed management plans.

''(d) ELIGIBLE WATERSHED MANAGEMENT AND PLANNING ACTIVITIES.—The following watershed management activities are eligible to receive assistance from the Administrator under sections 205(j), 319(h), and 604(b):

''(1) Characterizing waters and land uses.

''(2) Identifying problems within a watershed.

''(3) Selecting short-term and long-term goals for watershed management.

''(4) Developing and implementing measures and practices to meet identified goals.

''(5) Identifying and coordinating projects and activities necessary to restore and maintain water quality or meet other environmental objectives within the watershed.

''(6) Identifying the appropriate institutional arrangements to carry out an approved watershed management plan.

''(7) Updating an approved watershed management plan.

''(8) Any other activities deemed appropriate by the Administrator.

''(e) SUPPORT FOR WATERSHED MANAGEMENT AND PLANNING.—

''(1) INTERAGENCY COMMITTEE.—There is established an interagency committee to support comprehensive watershed management and planning. The President shall appoint the members of the committee. The members shall include a representative from each Federal agency that carries out programs and activities that may have a significant impact on water quality or other natural resource values that may be appropriately addressed through comprehensive watershed management.

''(2) USE OF OTHER FUNDS UNDER THIS ACT.—The planning and implementation activities carried out by a management entity pursuant to this section may be carried out with funds made available through the State pursuant to sections 205(j), 319(h), and 604(b).

''(f) APPROVED PLANS.—

''(1) MINIMUM REQUIREMENTS.—A State with an approved watershed program may approve a watershed management plan when such plan satisfies the following conditions:

''(A) If the watershed includes waters that are not meeting applicable water quality standards under this Act at the time of submission, the plan—

''(i) identifies the environmental objectives of the plan including, at a minimum, State water quality standards and goals under this Act, and any other environmental objectives the planning entity deems appropriate;

''(ii) identifies the stressors, pollutants, and sources causing the impairment;

''(iii) identifies actions necessary to achieve the environmental objectives of the plan, including source reduction of pollutants to achieve any allocated load reductions consistent with the requirements of section 303(d) and the priority for implementing such actions;

''(iv) contains an implementation plan, with schedules, milestones, projected completion dates, and the identification of those persons responsible for implementing the actions, demonstrating that water quality standards will be attained as expeditiously as practicable, but not later than deadlines in applicable sections of this Act and all other environmental objectives identified in the watershed management plan will be attained as expeditiously as practicable;

''(v) contains an effective public participation process in the development and implementation of the plan;

''(vi) specifies a process to monitor and evaluate progress toward meeting environmental objectives; and

''(vii) specifies a process to revise the plan as needed.

''(B) For those waters in the watershed attaining water quality standards at the time of submission (including threatened waters), the plan identifies those projects and activities necessary to maintain water quality standards and attain or maintain other environmental objectives in the future.

''(2) TERMS OF PLAN AND PLAN APPROVAL.—Each plan submitted and approved under this subsection shall extend for a period of not less than 5 years and include a planning and implementation schedule with milestones and completion dates within that period. The approval by the State of a plan shall apply for a period not exceed 5 years. A revised and updated plan may be submitted prior to the expiration of the period specified in the preceding sentence for approval pursuant to the same conditions and requirements that apply to an initial plan for a watershed that is approved pursuant to this subsection.

''(g) INCENTIVES FOR WATERSHED MANAGEMENT.—

''(1) POINT SOURCE PERMITS.—

''(A) IN GENERAL.—Notwithstanding section 301(b)(1)(C), a permit may be issued under section 402 with a limitation that does not meet water quality standards, if—

''(i) the receiving water is in a watershed with an approved watershed plan;

''(ii) the plan includes enforceable requirements under State or local law for nonpoint source pollutant load reductions that in combination with point source requirements will meet water quality standards prior to the expiration of plan; and

''(iii) the point source does not have a history of significant noncompliance with its permit effluent limitations, as determined by the Administrator or the State (in the case with an approved permit under section 402).

''(B) SYNCHRONIZED PERMIT TERMS.—Notwithstanding section 402(b)(1)(B), the term of a permit issued under section 402 may be extended by 5 years if the discharge is located in a watershed planning area for which a watershed management plan is to be developed.

''(C) 10-YEAR PERMIT TERMS.—Notwithstanding section 402(b)(1)(B), the term of a permit issued under section 402 may be extended to 10 years for any point source located in a watershed management unit for which a watershed management plan has been approved if the plan provides for the attainment and maintenance of water quality standards (including designated uses) in the affected waters and unless receiving waters are not meeting water quality standards due to the point source discharge. Such permits may be revised at any time if necessary to meet water quality standards.

''(2) NONPOINT SOURCE CONTROLS.—Not later than 30 months after the date of the enactment of this section, a State with an approved watershed program under this section may make a showing to the Administrator that nonpoint source management practices different from those established in national guidance issued by the Administrator under section 319 will attain water quality standards as expeditiously as practicable and not later than the deadlines established by this Act. If the Administrator is satisfied with such showing, then the Administrator may approve the State's nonpoint source management program that relies on such practices as meeting the requirements of section 319. Alternative watershed nonpoint source control practices must be identified in the watershed management plan adopted under subsection (f)(2) of this section.

''(3) FUNDING.—The Administrator may provide assistance to a State with an approved watershed management program under this section in the form of a multipurpose grant that would provide for single application, workplan and review, matching, oversight, and end-of-year closeout requirements for grant funding under sections 104(b)(3), 104(g), 106, 314(b), 319, 320, and 604(b). A State with an approved multipurpose grant may focus activities funded under such sections on a priority basis consistent with State-approved watershed management plans.

''(h) GUIDANCE.—Not later than 12 months after the date of the enactment of this section, and after consultation with other appropriate agencies, the Administrator shall issue guidance on recommended provisions to be included in State watershed programs and State-approved watershed management plans.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator for providing grants to States to assist such States in carrying out activities under this section $25,000,000 per fiscal year for each of fiscal years 1996 through 2000.''.

(b) CONFORMING AMENDMENT.—Section 401(a)(1) (33 U.S.C. 1341(a)(1)) is amended by inserting ''and with the provisions of a management plan approved by a State under section 321 of this Act'' before the period at the end of the first sentence.

SEC. 308. REVISION OF EFFLUENT LIMITATIONS.

(a) ELIMINATION OF REQUIREMENT FOR ANNUAL REVISION.—Section 304(b) (33 U.S.C. 1314(b)) is amended in the matter preceding paragraph (1) by striking ''and, at least annually thereafter,'' and inserting ''and thereafter shall''.

(b) SPECIAL RULE.—Section 304(b) (33 U.S.C. 1314(b)) is amended by striking the period at the end of the first sentence and inserting the following: ''; except that guidelines issued under paragraph (1)(A) addressing pollutants identified pursuant to subsection (a)(4) shall not be revised after February 15, 1995, to be more stringent unless such revised guidelines meet the requirements of paragraph (4)(A).''.

TITLE IV—PERMITS AND LICENSES

SEC. 401. WASTE TREATMENT SYSTEMS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS.

Section 402(a) is amended by adding at the end the following:

''(6) CONCENTRATED ANIMAL FEEDING OPERATIONS.—For purposes of this section, waste treatment systems, including retention ponds or lagoons, used to meet the requirements of this Act for concentrated animal feeding operations, are not waters of the United States. An existing concentrated animal feeding operation that uses a natural topographic impoundment or structure on the effective date of this Act, which is not hydrologically connected to any other waters of the United States, as a waste treatment system or wastewater retention facility may continue to use that natural topographic feature for waste storage regardless of its size, capacity, or previous use.''.

SEC. 402. MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.

(a) DEADLINES.—Section 402(p) (33 U.S.C. 1343(p)) is amended—

(1) in paragraph (1) by striking ''1994'' and inserting ''2005''; and

(2) in paragraph (6) by striking ''1993'' and inserting ''2005''.

(b) PROHIBITION ON NUMERIC EFFLUENT LIMITATIONS FOR MUNICIPAL DISCHARGES.—Section 402(p)(3) is amended by adding at the end the following:

''(C) PROHIBITION ON NUMERIC EFFLUENT LIMITATIONS FOR MUNICIPAL DISCHARGES.—Permits for municipal separate storm sewers shall not include numeric effluent limitations.''.

SEC. 403. INTAKE CREDITS.

Section 402 (33 U.S.C. 1342) is amended by adding at the end the following:

''(q) INTAKE CREDITS.—

''(1) IN GENERAL.—Notwithstanding any provision of this Act, in any effluent limitation or other limitation imposed under the permit program established by the Administrator under this section, any State permit program approved under this section (including any program for implementation under section 118(c)(2)), any standards established under section 307(a), or any program for industrial users established under section 307(b), the Administrator, as applicable, shall or the State, as applicable, may provide credits for pollutants present in or caused by intake water such that an owner or operator of a point source is not required to remove, reduce, or treat the amount of any pollutant in an effluent below the amount of such pollutant that is present in or caused by the intake water for such facility—

''(A)(i) if the source of the intake water and the receiving waters into which the effluent is ultimately discharged are the same;

''(ii) if the source of the intake water meets the maximum contaminant levels or treatment techniques for drinking water contaminants established pursuant to the Safe Drinking Water Act for the pollutant of concern; or

''(iii) if, at the time the limitation or standard is established, the level of the pollutant in the intake water is the same as or lower than the amount of the pollutant in the receiving waters, taking into account analytical variability; and

''(B) if, for conventional pollutants, the constituents of the conventional pollutants in the intake water are the same as the constituents of the conventional pollutants in the effluent.

''(2) ALLOWANCE FOR INCIDENTAL AMOUNTS.—In determining whether the condition set forth in paragraph (1)(A)(i) is being met, the Administrator shall or the State may, as appropriate, make allowance for incidental amounts of intake water from sources other than the receiving waters.

''(3) CREDIT FOR NONQUALIFYING POLLUTANTS.—The Administrator shall or a State may provide point sources an appropriate credit for pollutants found in intake water that does not meet the requirement of paragraph (1).

''(4) MONITORING.—Nothing in this section precludes the Administrator or a State from requiring monitoring of intake water, effluent, or receiving waters to assist in the implementation of this section.''.

SEC. 404. COMBINED SEWER OVERFLOWS.

Section 402 (33 U.S.C. 1342) is amended by adding at the end the following:

''(r) COMBINED SEWER OVERFLOWS.—

''(1) REQUIREMENT FOR PERMITS.—Each permit issued pursuant to this section for a discharge from a combined storm and sanitary sewer shall conform with the combined sewer overflow control policy signed by the Administrator on April 11, 1994.

''(2) TERM OF PERMIT.—

''(A) COMPLIANCE DEADLINE.—Notwithstanding any compliance schedule under section 301(b), or any permit limitation under section 402(b)(1)(B), the Administrator (or a State with a program approved under subsection (b)) may issue a permit pursuant to this section for a discharge from a combined storm and sanitary sewer, that includes a schedule for compliance with a long-term control plan under the control policy referred to in paragraph (1), for a term not to exceed 15 years.

''(B) EXTENSION.—Notwithstanding the compliance deadline specified in subparagraph (A), the Administrator or a State with a program approved under subsection (b) shall extend, on request of an owner or operator of a combined storm and sanitary sewer and subject to subparagraph (C), the period of compliance beyond the last day of the 15-year period—

''(i) if the Administrator or the State determines that compliance by such last day is not within the economic capability of the owner or operator; and

''(ii) if the owner or operator demonstrates to the satisfaction of the Administrator or the State reasonable further progress towards compliance with a long-term control plan under the control policy referred to in paragraph (1).

''(C) LIMITATIONS ON EXTENSIONS.—

''(i) EXTENSION NOT APPROPRIATE.—Notwithstanding subparagraph (B), the Administrator or the State need not grant an extension of the compliance deadline specified in subparagraph (A) if the Administrator or the State determines that such an extension is not appropriate.

''(ii) NEW YORK-NEW JERSEY.—Prior to granting an extension under subparagraph (B) with respect to a combined sewer overflow discharge originating in the State of New York or New Jersey and affecting the other of such States, the Administrator or the State from which the discharge originates, as the case may be, shall provide written notice of the proposed extension to the other State and shall not grant the extension unless the other State approves the extension or does not disapprove the extension within 90 days of receiving such written notice.

''(3) SAVINGS CLAUSE.—Any consent decree or court order entered by a United States district court, or administrative order issued by the Administrator, before the date of the enactment of this subsection establishing any deadlines, schedules, or timetables, including any interim deadlines, schedules, or timetables, for the evaluation, design, or construction of treatment works for control or elimination of any discharge from a municipal combined storm and sanitary sewer system shall be modified upon motion or request by any party to such consent decree or court order, to extend to December 31, 2009, at a minimum, any such deadlines, schedules, or timetables, including any interim deadlines, schedules, or timetables as is necessary to conform to the policy referred to in paragraph (1) or otherwise achieve the objectives of this subsection. Notwithstanding the preceding sentence, the period of compliance with respect to a discharge referred to in paragraph (2)(C)(ii) may only be extended in accordance with paragraph (2)(C)(ii).''.

SEC. 405. ABANDONED MINES.

Section 402 (33 U.S.C. 1342) is further amended by inserting after subsection (o) the following:

''(p) PERMITS FOR REMEDIATING PARTY ON ABANDONED OR INACTIVE MINED LANDS.—

''(1) APPLICABILITY.—Subject to this subsection, including the requirements of paragraph (3), the Administrator, with the concurrence of the concerned State or Indian tribe, may issue a permit to a remediating party under this section for discharges associated with remediation activity at abandoned or inactive mined lands which modifies any otherwise applicable requirement of sections 301(b), 302, and 403, or any subsection of this section (other than this subsection).

''(2) APPLICATION FOR A PERMIT.—A remediating party who desires to conduct remediation activities on abandoned or inactive mined lands from which there is or may be a discharge of pollutants to waters of the United States or from which there could be a significant addition of pollutants from nonpoint sources may submit an application to the Administrator. The application shall consist of a remediation plan and any other information requested by the Administrator to clarify the plan and activities.

''(3) REMEDIATION PLAN.—The remediation plan shall include (as appropriate and applicable) the following:

''(A) Identification of the remediating party, including any persons cooperating with the concerned State or Indian tribe with respect to the plan, and a certification that the applicant is a remediating party under this section.

''(B) Identification of the abandoned or inactive mined lands addressed by the plan.

''(C) Identification of the waters of the United States impacted by the abandoned or inactive mined lands.

''(D) A description of the physical conditions at the abandoned or inactive mined lands that are causing adverse water quality impacts.

''(E) A description of practices, including system design and construction plans and operation and maintenance plans, proposed to reduce, control, mitigate, or eliminate the adverse water quality impacts and a schedule for implementing such practices and, if it is an existing remediation project, a description of practices proposed to improve the project, if any.

''(F) An analysis demonstrating that the identified practices are expected to result in a water quality improvement for the identified waters.

''(G) A description of monitoring or other assessment to be undertaken to evaluate the success of the practices during and after implementation, including an assessment of baseline conditions.

''(H) A schedule for periodic reporting on progress in implementation of major elements of the plan.

''(I) A budget and identified funding to support the activities described in the plan.

''(J) Remediation goals and objectives.

''(K) Contingency plans.

''(L) A description of the applicant's legal right to enter and conduct activities.

''(M) The signature of the applicant.

''(N) Identification of the pollutant or pollutants to be addressed by the plan.

''(4) PERMITS.—

''(A) CONTENTS.—Permits issued by the Administrator pursuant to this subsection shall—

''(i) provide for compliance with and implementation of a remediation plan which, following issuance of the permit, may be modified by the applicant after providing notification to and opportunity for review by the Administrator;

''(ii) require that any modification of the plan be reflected in a modified permit;

''(iii) require that if, at any time after notice to the remediating party and opportunity for comment by the remediating party, the Administrator determines that the remediating party is not implementing the approved remediation plan in substantial compliance with its terms, the Administrator shall notify the remediating party of the determination together with a list specifying the concerns of the Administrator;

''(iv) provide that, if the identified concerns are not resolved or a compliance plan approved within 180 days of the date of the notification, the Administrator may take action under section 309 of this Act;

''(v) provide that clauses (iii) and (iv) not apply in the case of any action under section 309 to address violations involving gross negligence (including reckless, willful, or wanton misconduct) or intentional misconduct by the remediating party or any other person;

''(vi) not require compliance with any limitation issued under sections 301(b), 302, and 403 or any requirement established by the Administrator under any subsection of this section (other than this subsection); and

''(vii) provide for termination of coverage under the permit without the remediating party being subject to enforcement under sections 309 and 505 of this Act for any remaining discharges—

''(I) after implementation of the remediation plan;

''(II) if a party obtains a permit to mine the site; or

''(III) upon a demonstration by the remediating party that the surface water quality conditions due to remediation activities at the site, taken as a whole, are equal to or superior to the surface water qualities that existed prior to initiation of remediation.

''(B) LIMITATIONS.—The Administrator shall only issue a permit under this section, consistent with the provisions of this subsection, to a remediating party for discharges associated with remediation action at abandoned or inactive mined lands if the remediation plan demonstrates with reasonable certainty that the actions will result in an improvement in water quality.

''(C) PUBLIC PARTICIPATION.—The Administrator may only issue a permit or modify a permit under this section after complying with subsection (b)(3).

''(D) EFFECT OF FAILURE TO COMPLY WITH PERMIT.—Failure to comply with terms of a permit issued pursuant to this subsection shall not be deemed to be a violation of an effluent standard or limitation issued under this Act.

''(E) LIMITATIONS ON STATUTORY CONSTRUCTION.—This subsection shall not be construed—

''(i) to limit or otherwise affect the Administrator's powers under section 504; or

''(ii) to preclude actions pursuant to section 309 or 505 for any violations of sections 301(a), 302, 402, and 403 that may have existed for the abandoned or inactive mined land prior to initiation of remediation covered by a permit issued under this subsection, unless such permit covers remediation activities implemented by the permit holder prior to issuance of the permit.

''(5) DEFINITIONS.—In this subsection the following definitions apply:

''(A) REMEDIATING PARTY.—The term 'remediating party' means—

''(i) the United States (on non-Federal lands), a State or its political subdivisions, or an Indian tribe or officers, employees, or contractors thereof; and

''(ii) any person acting in cooperation with a person described in clause (i), including a government agency that owns abandoned or inactive mined lands for the purpose of conducting remediation of the mined lands or that is engaging in remediation activities incidental to the ownership of the lands.

Such term does not include any person who, before or following issuance of a permit under this section, directly benefited from or participated in any mining operation (including exploration) associated with the abandoned or inactive mined lands.

''(B) ABANDONED OR INACTIVE MINED LANDS.—The term 'abandoned or inactive mined lands' means lands that were formerly mined and are not actively mined or in temporary shutdown at the time of submission of the remediation plan and issuance of a permit under this section.

''(C) MINED LANDS.—The term 'mined lands' means the surface or subsurface of an area where mining operations, including exploration, extraction, processing, and beneficiation, have been conducted. Such term includes private ways and roads appurtenant to such area, land excavations, underground mine portals, adits, and surface expressions associated with underground workings, such as glory holes and subsidence features, mining waste, smelting sites associated with other mined lands, and areas where structures, facilities, equipment, machines, tools, or other material or property which result from or have been used in the mining operation are located.

''(6) REGULATIONS.—The Administrator may issue regulations establishing more specific requirements that the Administrator determines would facilitate implementation of this subsection. Before issuance of such regulations, the Administrator may establish, on a case-by-case basis after notice and opportunity for public comment as provided by subsection (b)(3), more specific requirements that the Administrator determines would facilitate implementation of this subsection in an individual permit issued to the remediating party.''.

SEC. 406. BENEFICIAL USE OF BIOSOLIDS.

(a) REFERENCES.—Section 405(a) (33 U.S.C. 1345(a)) is amended by inserting ''(also referred to as 'biosolids')'' after ''sewage sludge'' the first place it appears.

(b) APPROVAL OF STATE PROGRAMS.—Section 405(f) (33 U.S.C. 1345(f)) is amended by adding at the end the following:

''(3) APPROVAL OF STATE PROGRAMS.—Notwithstanding any other provision of law, the Administrator shall approve for purposes of this subsection State programs that meet the standards for final use or disposal of sewage sludge established by the Administrator pursuant to subsection (d).''.

(c) STUDIES AND PROJECTS.—Section 405(g) (33 U.S.C. 1345(g)) is amended—

(1) in the first sentence of paragraph (1) by inserting ''building materials,'' after ''agricultural and horticultural uses,'';

(2) in paragraph (1) by adding at the end the following: ''Not later than January 1, 1997, and after providing notice and opportunity for public comment, the Administrator shall issue guidance on the beneficial use of sewage sludge.''; and

(3) in paragraph (2) by striking ''September 30, 1986,'' and inserting ''September 30, 1995,''.

TITLE V—GENERAL PROVISIONS

SEC. 501. PUBLICLY OWNED TREATMENT WORKS DEFINED.

Section 502 (33 U.S.C. 1362) is further amended by adding at the end the following:

''(25) The term 'publicly owned treatment works' means a treatment works, as defined in section 212, located at other than an industrial facility, which is designed and constructed principally, as determined by the Administrator, to treat domestic sewage or a mixture of domestic sewage and industrial wastes of a liquid nature. In the case of such

a facility that is privately owned, such term includes only those facilities that, with respect to such industrial wastes, are carrying out a pretreatment program meeting all the requirements established under section 307 and paragraphs (8) and (9) of section 402(b) for pretreatment programs (whether or not the treatment works would be required to implement a pretreatment program pursuant to such sections).''.

SEC. 502. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.

(a) DIFFERENTIATION AMONG FATS, OILS, AND GREASES.—

(1) IN GENERAL.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

(i)(I) animal fats; and

(II) vegetable oils; and

(ii) other oils, including petroleum oil; and

(B) apply different standards and reporting requirements (including reporting requirements based on quantitative amounts) to different classes of fat and oil as provided in paragraph (2).

(2) CONSIDERATIONS.—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of the Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) ANIMAL FAT.—The term ''animal fat'' means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) VEGETABLE OIL.—The term ''vegetable oil'' means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 503. NEEDS ESTIMATE.

Section 516(b)(1) (33 U.S.C. 1375(b)(1)) is amended—

(1) in the first sentence by striking ''biennially revised'' and inserting ''quadrennially revised''; and

(2) in the second sentence by striking ''February 10 of each odd-numbered year'' and inserting ''December 31, 1997, and December 31 of every 4th calendar year thereafter''.

SEC. 504. FOOD PROCESSING AND FOOD SAFETY.

Title V (33 U.S.C. 1361–1377) is amended by redesignating section 519 as section 521 and by inserting after section 518 the following:

''SEC. 519. FOOD PROCESSING AND FOOD SAFETY.

''In developing any effluent guideline under section 304(b), pretreatment standard under section 307(b), or new source performance standard under section 306 that is applicable to the food processing industry, the Administrator shall consult with and consider the recommendations of the Food and Drug Administration, Department of Health and Human Services, Department of Agriculture, and Department of Commerce. The recommendations of such departments and agencies and a description of the Administrator's response to those recommendations shall be made part of the rulemaking record for the development of such guidelines and standards. The Administrator's response shall include an explanation with respect to food safety, including a discussion of relative risks, of any departure from a recommendation by any such department or agency.''.

SEC. 505. AUDIT DISPUTE RESOLUTION.

Title V (33 U.S.C. 1361–1377) is further amended by inserting before section 521, as redesignated by this Act, the following:

''SEC. 520. AUDIT DISPUTE RESOLUTION.

''(a) ESTABLISHMENT OF BOARD.—The Administrator shall establish an independent Board of Audit Appeals (hereinafter in this section referred to as the 'Board') in accordance with the requirements of this section.

''(b) DUTIES.—The Board shall have the authority to review and decide contested audit determinations related to grant and contract awards under this Act. In carrying out such duties, the Board shall consider only those regulations, guidance, policies, facts, and circumstances in effect at the time of the grant or contract award.

''(c) PRIOR ELIGIBILITY DECISIONS.—The Board shall not reverse project cost eligibility determinations that are supported by an decision document of the Environmental Protection Agency, including grant or contract approvals, plans and specifications approval forms, grant or contract payments, change order approval forms, or similar documents approving project cost eligibility, except upon a showing that such decision was arbitrary, capricious, or an abuse of law in effect at the time of such decision.

''(d) MEMBERSHIP.—

''(1) APPOINTMENT.—The Board shall be composed of 7 members to be appointed by the Administrator not later than 90 days after the date of the enactment of this section.

''(2) TERMS.—Each member shall be appointed for a term of 3 years.

''(3) QUALIFICATIONS.—The Administrator shall appoint as members of the Board individuals who are specially qualified to serve on the Board by virtue of their expertise in grant and contracting procedures. The Administrator shall make every effort to ensure that individuals appointed as members of the Board are free from conflicts of interest in carrying out the duties of the Board.

''(e) BASIC PAY AND TRAVEL EXPENSES.—

''(1) RATES OF PAY.—Except as provided in paragraph (2), members shall each be paid at a rate of basic pay, to be determined by the Administrator, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board.

''(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Board who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

''(3) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Board, the Administrator shall provide to the Board the administrative support services necessary for the Board to carry out its responsibilities under this section.

''(g) DISPUTES ELIGIBLE FOR REVIEW.—The authority of the Board under this section shall extend to any contested audit determination that on the date of the enactment of this section has yet to be formally concluded and accepted by either the grantee or the Administrator.''.

TITLE VI—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

SEC. 601. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.

Section 601(a) (33 U.S.C. 1381(a)) is amended by striking ''(1) for construction'' and all that follows through the period and inserting ''to accomplish the purposes of this Act.''.

SEC. 602. CAPITALIZATION GRANT AGREEMENTS.

(a) REQUIREMENTS FOR CONSTRUCTION OF TREATMENT WORKS.—Section 602(b)(6) (33 U.S.C. 1382(b)(6)) is amended—

(1) by striking ''before fiscal year 1995''; and

(2) by striking ''201(b)'' and all that follows through ''218'' and inserting ''211''.

(b) COMPLIANCE WITH OTHER FEDERAL LAWS.—Section 602 (33 U.S.C. 1382) is amended by adding at the end the following:

''(c) OTHER FEDERAL LAWS.—

''(1) COMPLIANCE WITH OTHER FEDERAL LAWS.—If a State provides assistance from its water pollution control revolving fund established in accordance with this title and in accordance with a statute, rule, executive order, or program of the State which addresses the intent of any requirement or any Federal executive order or law other than this Act, as determined by the State, the State in providing such assistance shall be treated as having met the Federal requirements.

''(2) LIMITATION ON APPLICABILITY OF OTHER FEDERAL LAWS.—If a State does not meet a requirement of a Federal executive order or law other than this Act under paragraph (1), such Federal law shall only apply to Federal funds deposited in the water pollution control revolving fund established by the State in accordance with this title the first time such funds are used to provide assistance from the revolving fund.''.

(c) GUIDANCE FOR SMALL SYSTEMS.—Section 602 (33 U.S.C. 1382) is amended by adding at the end the following new subsection:

''(d) GUIDANCE FOR SMALL SYSTEMS.—

''(1) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of the enactment of this subsection, the Administrator shall assist the States in establishing simplified procedures for small systems to obtain assistance under this title.

''(2) PUBLICATION OF MANUAL.—Not later than 1 year after the date of the enactment of this subsection, and after providing notice and opportunity for public comment, the Administrator shall publish a manual to assist small systems in obtaining assistance under this title and publish in the Federal Register notice of the availability of the manual.

''(3) SMALL SYSTEM DEFINED.—For purposes of this title, the term 'small system' means a system for which a municipality or intermunicipal, interstate, or State agency seeks assistance under this title and which serves a population of 20,000 or less.''.

SEC. 603. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Section 603(c) (33 U.S.C. 1383(c)) is amended to read as follows:

''(c) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—

''(1) IN GENERAL.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance to activities which have as a principal benefit the improvement or protection of water quality to a municipality, intermunicipal agency, interstate agency, State agency, or other person. Such activities may include the following:

''(A) Construction of a publicly owned treatment works if the recipient of such assistance is a municipality.

''(B) Implementation of lake protection programs and projects under section 314.

''(C) Implementation of a management program under section 319.

''(D) Implementation of a conservation and management plan under section 320.

''(E) Implementation of a watershed management plan under section 321.

''(F) Implementation of a stormwater management program under section 322.

''(G) Acquisition of property rights for the restoration or protection of publicly or privately owned riparian areas.

''(H) Implementation of measures to improve the efficiency of public water use.

''(I) Development and implementation of plans by a public recipient to prevent water pollution.

''(J) Acquisition of lands necessary to meet any mitigation requirements related to construction of a publicly owned treatment works.

''(2) FUND AMOUNTS.—The water pollution control revolving fund of a State shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for providing financial assistance described in paragraph (1). Fees charged by a State to recipients of such assistance may be deposited in the fund for the sole purpose of financing the cost of administration of this title.''.

(b) EXTENDED REPAYMENT PERIOD FOR DISADVANTAGED COMMUNITIES.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is amended—

(1) in subparagraph (A) by inserting after ''20 years'' the following: ''or, in the case of a disadvantaged community, the lesser of 40 years or the expected life of the project to be financed with the proceeds of the loan''; and

(2) in subparagraph (B) by striking ''not later than 20 years after project completion'' and inserting ''upon the expiration of the term of the loan''.

(c) LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGY.—Section 603(d)(5) (33 U.S.C. 1383(d)(5)) is amended to read as follows:

''(5) to provide loan guarantees for—

''(A) similar revolving funds established by municipalities or intermunicipal agencies; and

''(B) developing and implementing innovative technologies.''.

(d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by inserting before the period at the end the following: ''or $400,000 per year, whichever is greater, plus the amount of any fees collected by the State for such purpose under subsection (c)(2)''.

(e) TECHNICAL AND PLANNING ASSISTANCE FOR SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(8) to provide to small systems technical and planning assistance and assistance in financial management, user fee analysis, budgeting, capital improvement planning, facility operation and maintenance, repair schedules, and other activities to improve wastewater treatment plant operations; except that such amounts shall not exceed 2 percent of all grant awards to such fund under this title.''.

(f) CONSISTENCY WITH PLANNING REQUIREMENTS.—Section 603(f) (33 U.S.C. 1383(f)) is amended by striking ''and 320'' and inserting ''320, 321, and 322''.

(g) LIMITATIONS ON CONSTRUCTION ASSISTANCE.—Section 603(g) (33 U.S.C. 1383(g)) is amended to read as follows:

''(g) LIMITATIONS ON CONSTRUCTION ASSISTANCE.—The State may provide financial assistance from its water pollution control revolving fund with respect to a project for construction of a treatment works only if—

''(1) such project is on the State's priority list under section 216 of this Act; and

''(2) the recipient of such assistance is a municipality in any case in which the treatment works is privately owned.''.

(h) INTEREST RATES.—Section 603 is further amended by adding at the end the following:

''(i) INTEREST RATES.—In any case in which a State makes a loan pursuant to subsection (d)(1) to a disadvantaged community, the State may charge a negative interest rate of not to exceed 2 percent to reduce the unpaid principal of the loan. The aggregate amount of all such negative interest rate loans the State makes in a fiscal year shall not exceed 20 percent of the aggregate amount of all loans made by the State from its revolving loan fund in such fiscal year.

''(j) DISADVANTAGED COMMUNITY DEFINED.—As used in this section, the term 'disadvantaged community' means the service area of a publicly owned treatment works with respect to which the average annual residential sewage treatment charges for a user of the treatment works meet affordability criteria established by the State in which the treatment works is located (after providing for public review and comment) in accordance with guidelines to be established by the Administrator, in cooperation with the States.''.

(i) SALE OF TREATMENT WORKS.—Section 603 is further amended by adding at the end the following:

''(k) SALE OF TREATMENT WORKS.—

''(1) IN GENERAL.—Notwithstanding any other provisions of this Act, any State, municipality, intermunicipality, or interstate agency may transfer by sale to a qualified private sector entity all or part of a treatment works that is owned by such agency and for which it received Federal financial assistance under this Act if the transfer price will be distributed, as amounts are received, in the following order:

''(A) First reimbursement of the agency of the unadjusted dollar amount of the costs of construction of the treatment works or part thereof plus any transaction and fix-up costs incurred by the agency with respect to the transfer less the amount of such Federal financial assistance provided with respect to such costs.

''(B) If proceeds from the transfer remain after such reimbursement, repayment of the Federal Government of the amount of such Federal financial assistance less the applicable share of accumulated depreciation on such treatment works (calculated using Internal Revenue Service accelerated depreciation schedule applicable to treatment works).

''(C) If any proceeds of such transfer remain after such reimbursement and repayment, retention of the remaining proceeds by such agency.

''(2) RELEASE OF CONDITION.—Any requirement imposed by regulation or policy for a showing that the treatment works are no longer needed to serve their original purpose shall not apply.

''(3) SELECTION OF BUYER.—A State, municipality, intermunicipality, or interstate agency exercising the authority granted by this subsection shall select a qualified private sector entity on the basis of total net cost and other appropriate criteria and shall utilize such competitive bidding, direct negotiation, or other criteria and procedures as may be required by State law.

''(l) PRIVATE OWNERSHIP OF TREATMENT WORKS.—

''(1) REGULATORY REVIEW.—The Administrator shall review the law and any regulations, policies, and procedures of the Environmental Protection Agency affecting the construction, improvement, replacement, operation, maintenance, and transfer of ownership of current and future treatment works owned by a State, municipality, intermunicipality, or interstate agency. If permitted by law, the Administrator shall modify such regulations, policies, and procedures to eliminate any obstacles to the construction, improvement, replacement, operation, and maintenance of such treatment works by qualified private sector entities.

''(2) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit to Congress a report identifying any provisions of law that must be changed in order to eliminate any obstacles referred to in paragraph (1).

''(3) DEFINITION.—For purposes of this section, the term 'qualified private sector entity' means any nongovernmental individual, group, association, business, partnership, organization, or privately or publicly held corporation that—

''(A) has sufficient experience and expertise to discharge successfully the responsibilities associated with construction, operation, and maintenance of a treatment works and to satisfy any guarantees that are agreed to in connection with a transfer of treatment works under subsection (k);

''(B) has the ability to assure protection against insolvency and interruption of services through contractual and financial guarantees; and

''(C) with respect to subsection (k), to the extent consistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade—

''(i) is majority-owned and controlled by citizens of the United States; and

''(ii) does not receive subsidies from a foreign government.''.

SEC. 604. ALLOTMENT OF FUNDS.

(a) IN GENERAL.—Section 604(a) (33 U.S.C. 1384(a)) is amended to read as follows:

''(a) FORMULA FOR FISCAL YEARS 1996–2000.—Sums authorized to be appropriated pursuant to section 607 for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be allotted for such year by the Administrator not later than the 10th day which begins after the date of the enactment of the Clean Water Amendments of 1995. Sums authorized for each such fiscal year shall be allotted in accordance with the following table:

''States:	*Percentage of sums authorized:*
Alabama	1.0110
Alaska	0.5411
Arizona	0.7464
Arkansas	0.5914
California	7.9031
Colorado	0.7232
Connecticut	1.3537
Delaware	0.4438
District of Columbia	0.4438
Florida	3.4462
Georgia	1.8683
Hawaii	0.7002
Idaho	0.4438
Illinois	4.9976
Indiana	2.6631
Iowa	1.2236
Kansas	0.8690
Kentucky	1.3570
Louisiana	1.0060
Maine	0.6999
Maryland	2.1867
Massachusetts	3.7518
Michigan	3.8875
Minnesota	1.6618
Mississippi	0.8146
Missouri	2.5063
Montana	0.4438
Nebraska	0.4624
Nevada	0.4438
New Hampshire	0.9035
New Jersey	4.5156
New Mexico	0.4438
New York	12.1969
North Carolina	1.9943
North Dakota	0.4438
Ohio	5.0898
Oklahoma	0.7304
Oregon	1.2399
Pennsylvania	4.2145

Rhode Island	0.6071
South Carolina	0.9262
South Dakota	0.4438
Tennessee	1.4668
Texas	4.6458
Utah	0.4764
Vermont	0.4438
Virginia	2.2615
Washington	1.9217
West Virginia	1.4249
Wisconsin	2.4442
Wyoming	0.4438
Puerto Rico	1.1792
Northern Marianas	0.0377
American Samoa	0.0812
Guam	0.0587
Pacific Islands Trust Territory	0.1158
Virgin Islands	0.0576.''.

(b) CONFORMING AMENDMENT.—Section 604(c)(2) is amended by striking ''title II of this Act'' and inserting ''this title''.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

Section 607 (33 U.S.C. 1387(a)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following:

''(6) such sums as may be necessary for fiscal year 1995;

''(7) $2,500,000,000 for fiscal year 1996;

''(8) $2,500,000,000 for fiscal year 1997;

''(9) $2,500,000,000 for fiscal year 1998;

''(10) $2,500,000,000 for fiscal year 1999; and

''(11) $2,500,000,000 for fiscal year 2000.''.

SEC. 606. STATE NONPOINT SOURCE WATER POLLUTION CONTROL REVOLVING FUNDS.

Title VI (33 U.S.C. 1381–1387) is amended—

(1) in section 607 by inserting after ''title'' the following: ''(other than section 608)''; and

(2) by adding at the end the following:

''SEC. 608. STATE NONPOINT SOURCE WATER POLLUTION CONTROL REVOLVING FUNDS.

''(a) GENERAL AUTHORITY.—The Administrator shall make capitalization grants to each State for the purpose of establishing a nonpoint source water pollution control revolving fund for providing assistance—

''(1) to persons for carrying out management practices and measures under the State management program approved under section 319; and

''(2) to agricultural producers for the development and implementation of the water quality components of a whole farm or ranch resource management plan and for implementation of management practices and measures under such a plan.

A State nonpoint source water pollution control revolving fund shall be separate from any other State water pollution control revolving fund; except that the chief executive officer of the State may transfer funds from one fund to the other fund.

''(b) APPLICABILITY OF OTHER REQUIREMENTS OF THIS TITLE.—Except to the extent the Administrator, in consultation with the chief executive officers of the States, determines that a provision of this title is not consistent with a provision of this section, the provisions of sections 601 through 606 of this title shall apply to grants made under this section in the same manner and to the same extent as they apply to grants made under section 601 of this title. Paragraph (5) of section 602(b) shall apply to all funds in a State revolving fund established under this section as a result of capitalization grants made under this section; except that such funds shall first be used to assure reasonable progress toward attainment of the goals of section 319, as determined by the Governor of the State. Paragraph (7) of section 603(d) shall apply to a State revolving fund established under this section, except that the 4-percent limitation contained in such section shall not apply to such revolving fund.

''(c) APPORTIONMENT OF FUNDS.—Funds made available to carry out this section for any fiscal year shall be allotted among the States by the Administrator in the same manner as funds are allotted among the States under section 319 in such fiscal year.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 per fiscal year for each of fiscal years 1996 through 2000.''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. TECHNICAL AMENDMENTS.

(a) SECTION 118.—Section 118(c)(1)(A) (33 U.S.C. 1268(c)(1)(A)) is amended by striking the last comma.

(b) SECTION 120.—Section 120(d) (33 U.S.C. 1270(d)) is amended by striking ''(1)''.

(c) SECTION 204.—Section 204(a)(3) (33 U.S.C. 1284(a)(3)) is amended by striking the final period and inserting a semicolon.

(d) SECTION 205.—Section 205 (33 U.S.C. 1285) is amended—

(1) in subsection (c)(2) by striking ''and 1985'' and inserting ''1985, and 1986'';

(2) in subsection (c)(2) by striking ''through 1985'' and inserting ''through 1986'';

(3) in subsection (g)(1) by striking the period following ''4 per centum''; and

(4) in subsection (m)(1)(B) by striking ''this'' the last place it appears and inserting ''such''.

(e) SECTION 208.—Section 208 (33 U.S.C. 1288) is amended—

(1) in subsection (h)(1) by striking ''designed'' and inserting ''designated''; and

(2) in subsection (j)(1) by striking ''September 31, 1988'' and inserting ''September 30, 1988''.

(f) SECTION 301.—Section 301(j)(1)(A) (33 U.S.C. 1311(j)(1)(A)) is amended by striking ''that'' the first place it appears and inserting ''than''.

(g) SECTION 309.—Section 309(d) (33 U.S.C. 1319(d)) is amended by striking the second comma following ''Act by a State''.

(h) SECTION 311.—Section 311 (33 U.S.C. 1321) is amended—

(1) in subsection (b) by moving paragraph (12) (including subparagraphs (A), (B) and (C)) 2 ems to the right; and

(2) in subsection (h)(2) by striking ''The'' and inserting ''the''.

(i) SECTION 505.—Section 505(f) (33 U.S.C. 1365(f)) is amended by striking the last comma.

(j) SECTION 516.—Section 516 (33 U.S.C. 1375) is amended by redesignating subsection (g) as subsection (f).

(k) SECTION 518.—Section 518(f) (33 U.S.C. 1377(f)) is amended by striking ''(d)'' and inserting ''(e)''.

SEC. 702. JOHN A. BLATNIK NATIONAL FRESH WATER QUALITY RESEARCH LABORATORY.

(a) DESIGNATION.—The laboratory and research facility established pursuant to section 104(e) of the Federal Water Pollution Control Act (33 U.S.C. 1254(e)) that is located in Duluth, Minnesota, shall be known and designated as the ''John A. Blatnik National Fresh Water Quality Research Laboratory''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the laboratory and research facility referred to in subsection (a) shall be deemed to be a reference to the ''John A. Blatnik National Fresh Water Quality Research Laboratory''.

SEC. 703. WASTEWATER SERVICE FOR COLONIAS.

(a) GRANT ASSISTANCE.—The Administrator may make grants to States along the United States-Mexico border to provide assistance for planning, design, and construction of treatment works to provide wastewater service to the communities along such border commonly known as ''colonias''.

(b) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds made available under subsection (a) shall be 50 percent. The non-Federal share of such cost shall be provided by the State receiving the grant.

(c) TREATMENT WORKS DEFINED.—For purposes of this section, the term ''treatment works'' has the meaning such term has under section 212 of the Federal Water Pollution Control Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under subsection (a) $50,000,000 for fiscal year 1996. Such sums shall remain available until expended.

SEC. 704. SAVINGS IN MUNICIPAL DRINKING WATER COSTS.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with the Director of the Office of Management and Budget, shall review, analyze, and compile information on the annual savings that municipalities realize in the construction, operation, and maintenance of drinking water facilities as a result of actions taken under the Federal Water Pollution Control Act.

(b) CONTENTS.—The study conducted under subsection (a), at a minimum, shall contain an examination of the following elements:

(1) Savings to municipalities in the construction of drinking water filtration facilities resulting from actions taken under the Federal Water Pollution Control Act.

(2) Savings to municipalities in the operation and maintenance of drinking water facilities resulting from actions taken under such Act.

(3) Savings to municipalities in health expenditures resulting from actions taken under such Act.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report containing the results of the study conducted under subsection (a).

TITLE VIII—WETLANDS CONSERVATION AND MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Wetlands and Watershed Management Act of 1995''.

SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares the following:

(1) Wetlands perform a number of valuable functions needed to restore and maintain the chemical, physical, and biological integrity of the Nation's waters, including—

(A) reducing pollutants (including nutrients, sediment, and toxics) from nonpoint and point sources;

(B) storing, conveying, and purifying flood and storm waters;

(C) reducing both bank erosion and wave and storm damage to adjacent lands and trapping sediment from upland sources;

(D) providing habitat and food sources for a broad range of commercial and recreational fish, shellfish, and migratory wildlife species (including waterfowl and endangered species); and

(E) providing a broad range of recreational values for canoeing, boating, birding, and nature study and observation.

(2) Original wetlands in the contiguous United States have been reduced by an estimated 50 percent and continue to disappear at a rate of 200,000 to 300,000 acres a year. Many of these original wetlands have also been altered or partially degraded, reducing their ecological value.

(3) Wetlands are highly sensitive to changes in water regimes and are, therefore, susceptible to degradation by fills, drainage,

grading, water extractions, and other activities within their watersheds which affect the quantity, quality, and flow of surface and ground waters. Protection and management of wetlands, therefore, should be integrated with management of water systems on a watershed basis. A watershed protection and management perspective is also needed to understand and reverse the gradual, continued destruction of wetlands that occurs due to cumulative impacts.

(4) Wetlands constitute an estimated 5 percent of the Nation's surface area. Because much of this land is in private ownership wetlands protection and management strategies must take into consideration private property rights and the need for economic development and growth. This can be best accomplished in the context of a cooperative and coordinated Federal, State, and local strategy for data gathering, planning, management, and restoration with an emphasis on advance planning of wetlands in watershed contexts.

(b) PURPOSES.—The purposes of this Act are—

(1) to help create a coordinated national wetland management effort with efficient use of scarce Federal, State, and local financial and manpower resources to protect wetland functions and values and reduce natural hazard losses;

(2) to help reverse the trend of wetland loss in a fair, efficient, and cost-effective manner;

(3) to reduce inconsistencies and duplication in Federal, State, and local wetland management efforts and encourage integrated permitting at the Federal, State, and local levels;

(4) to increase technical assistance, cooperative training, and educational opportunities for States, local governments, and private landowners;

(5) to help integrate wetland protection and management with other water resource management programs on a watershed basis such as flood control, storm water management, allocation of water supply, protection of fish and wildlife, and point and nonpoint source pollution control;

(6) to increase regionalization of wetland delineation and management policies within a framework of national policies through advance planning of wetland areas, programmatic general permits and other approaches and the tailoring of policies to ecosystem and land use needs to reflect significant watershed variance in wetland resources;

(7) to address the cumulative loss of wetland resources;

(8) to increase the certainty and predictability of planning and regulatory policies for private landowners;

(9) to help achieve no overall net loss and net gain of the remaining wetland base of the United States through watershed-based restoration strategies involving all levels of government;

(10) to restore and create wetlands in order to increase the quality and quantity of the wetland resources and by so doing to restore and maintain the quality and quantity of the waters of the United States; and

(11) to provide mechanisms for joint State, Federal, and local development and testing of approaches to better protect wetland resources such as mitigation banking.

SEC. 803. STATE, LOCAL, AND LANDOWNER TECHNICAL ASSISTANCE AND COOPERATIVE TRAINING.

(a) STATE AND LOCAL TECHNICAL ASSISTANCE.—Upon request, the Administrator or the Secretary of the Army, as appropriate, shall provide technical assistance to State and local governments in the development and implementation of State and local government permitting programs under sections 404(e) and 404(h) of the Federal Water Pollution Control Act, State wetland conservation plans under section 805, and regional or local wetland management plans under section 805.

(b) COOPERATIVE TRAINING.—The Administrator and the Secretary, in cooperation with the Coordinating Committee established pursuant to section 804, shall conduct training courses for States and local governments involving wetland delineation, utilization of wetlands in nonpoint pollution control, wetland and stream restoration, wetland planning, wetland evaluation, mitigation banking, and other subjects deemed appropriate by the Administrator or Secretary.

(c) PRIVATE LANDOWNER TECHNICAL ASSISTANCE.—The Administrator and Secretary shall, in cooperation with the Coordination Committee, and appropriate Federal agencies develop and provide to private landowners guidebooks, pamphlets, or other materials and technical assistance to help them in identifying and evaluating wetlands, developing integrated wetland management plans for their lands consistent with the goals of this Act and the Federal Water Pollution Control Act, and restoring wetlands.

SEC. 804. FEDERAL, STATE, AND LOCAL GOVERNMENT COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish a Federal, State, and Local Government Wetlands Coordinating Committee (hereinafter in this section referred to as the ''Committee'').

(b) FUNCTIONS.—The Committee shall—

(1) help coordinate Federal, State, and local wetland planning, regulatory, and restoration programs on an ongoing basis to reduce duplication, resolve potential conflicts, and efficiently allocate manpower and resources at all levels of government;

(2) provide comments to the Secretary of the Army or Administrator in adopting regulatory, policy, program, or technical guidance affecting wetland systems;

(3) help develop and field test, national policies prior to implementation such as wetland, delineation, classification of wetlands, methods for sequencing wetland mitigation responses, the utilization of mitigation banks;

(4) help develop and carry out joint technical assistance and cooperative training programs as provided in section 803;

(5) help develop criteria and implementation strategies for facilitating State conservation plans and strategies, local and regional wetland planning, wetland restoration and creation, and State and local permitting programs pursuant to section 404(e) or 404(g) of the Federal Water Pollution Control Act; and

(6) help develop a national strategy for the restoration of wetland ecosystems pursuant to section 6 of this Act.

(c) MEMBERSHIP.—The Committee shall be composed of 18 members as follows:

(1) The Administrator or the designee of the Administrator.

(2) The Secretary or the designee of the Secretary.

(3) The Director of the United States Fish and Wildlife Service or the designee of the Director.

(4) The Chief of the Natural Resources Conservation Service or the designee of the Chief.

(5) The Undersecretary for Oceans and Atmosphere or the designee of the Under Secretary.

(6) One individual appointed by the Administrator who will represent the National Governor's Association.

(7) One individual appointed by the Administrator who will represent the National Association of Counties.

(8) One individual appointed by the Administrator who will represent the National League of Cities.

(9) One State wetland expert from each of the 10 regions of the Environmental Protection Agency. Each member to be appointed under this paragraph shall be jointly appointed by the Governors of the States within the Environmental Protection Agency's region. If the Governors from a region cannot agree on such a representative, they will each submit a nomination to the Administrator and the Administrator will select a representative from such region.

(d) TERMS.—Each member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) shall be appointed for a term of 2 years.

(e) VACANCIES.—A vacancy in the Committee shall be filled, on or before the 30th day after the vacancy occurs, in the manner in which the original appointment was made.

(f) PAY.—Members shall serve without pay, but may receive travel expenses (including per diem in lieu of subsistence) in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) COCHAIRPERSONS.—The Administrator and one member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) (selected by such members) shall serve as cochairpersons of the Committee.

(h) QUORUM.—Two-thirds of the members of the Committee shall constitute a quorum but a lesser number may hold meetings.

(i) MEETINGS.—The Committee shall hold its first meeting not later than 120 days after the date of the enactment of this Act. The Committee shall meet at least twice each year thereafter. Meetings will be opened to the public.

SEC. 805. STATE AND LOCAL WETLAND CONSERVATION PLANS AND STRATEGIES; GRANTS TO FACILITATE THE IMPLEMENTATION OF SECTION 404.

(a) STATE WETLAND CONSERVATION PLANS AND STRATEGIES.—Subject to the requirements of this section, the Administrator shall make grants to States and tribes to assist in the development and implementation of wetland conservation plans and strategies. More specific goals for such conservation plans and strategies may include:

(1) Inventorying State wetland resources, identifying individual and cumulative losses, identifying State and local programs applying to wetland resources, determining gaps in such programs, and making recommendations for filling those gaps.

(2) Developing and coordinating existing State, local, and regional programs for wetland management and protection on a watershed basis.

(3) Increasing the consistency of Federal, State, and local wetland definitions, delineation, and permitting approaches.

(4) Mapping and characterizing wetland resources on a watershed basis.

(5) Identifying sites with wetland restoration or creation potential.

(6) Establishing management strategies for reducing causes of wetland degradation and restoring wetlands on a watershed basis.

(7) Assisting regional and local governments prepare watershed plans for areas with a high percentage of lands classified as wetlands or otherwise in need of special management.

(8) Establishing and implementing State or local permitting programs under section 404(e) or 404(h) of the Federal Water Pollution Control Act.

(b) REGIONAL AND LOCAL WETLAND PLANNING, REGULATION, AND MANAGEMENT PROGRAMS.—Subject to the requirements of this

section, the Administrator shall make grants to States which will, in turn, use this funding to make grants to regional and local governments to assist them in adopting and implementing wetland and watershed management programs consistent with goals stated in section 101 of the Federal Water Pollution Control Act and section 802 of this Act. Such plans shall be integrated with (where appropriate) or coordinated with planning efforts pursuant to section 319 of the Federal Water Pollution Control Act. Such programs shall, at a minimum, involve the inventory of wetland resources and the adoption of plans and policies to help achieve the goal of no net loss of wetland resources on a watershed basis. Other goals may include, but are not limited to:

(1) Integration of wetland planning and management with broader water resource and land use planning and management, including flood control, water supply, storm water management, and control of point and nonpoint source pollution.

(2) Adoption of measures to increase consistency in Federal, State, and local wetland definitions, delineation, and permitting approaches.

(3) Establishment of management strategies for restoring wetlands on a watershed basis.

(c) GRANTS TO FACILITATE THE IMPLEMENTATION OF SECTION 404.—Subject to the requirements of this section, the Administrator may make grants to States which assist the Federal Government in the implementation of the section 404 Federal Water Pollution Control program through State assumption of permitting pursuant to sections 404(g) and 404(h) of such Act through State permitting through a State programmatic general permit pursuant to section 404(e) of such Act or through monitoring and enforcement activities. In order to be eligible to receive a grant under this section a State shall provide assurances satisfactory to the Administrator that amounts received by the State in grants under this section will be used to issue regulatory permits or to enforce regulations consistent with the overall goals of section 802 and the standards and procedures of section 404(g) or 404(e) of this Act.

(d) MAXIMUM AMOUNT.—No State may receive more than $500,000 in total grants under subsections (a), (b), and (c) in any fiscal year and more than $300,000 in grants for subsection (a), (b), or (c), individually.

(e) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts made available in grants under this section shall not exceed 75 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 per fiscal year for each of fiscal years 1996, 1997, 1998, 1999, and 2000.

SEC. 806. NATIONAL COOPERATIVE WETLAND ECOSYSTEM RESTORATION STRATEGY.

(a) DEVELOPMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in cooperation with other Federal agencies, State, and local governments, and representatives of the private sector, shall initiate the development of a National Cooperative Wetland Ecosystem Restoration Strategy.

(b) GOALS.—The goal of the National Cooperative Wetland Ecosystem Restoration Strategy shall be to restore damaged and degraded wetland and riparian ecosystems consistent with the goals of the Water Pollution Control Amendments and the goals of section 802, and the recommendations of the National Academy of Sciences with regard to the restoration of aquatic ecosystems.

(c) FUNCTIONS.—The National Cooperative Wetland Ecosystem Restoration Strategy shall—

(1) be designed to help coordinate and promote restoration efforts by Federal, State, regional, and local governments and the private sector, including efforts authorized by the Coastal Wetlands Planning, Protection, and Restoration Act, the North American Waterfowl Management Plan, the Wetlands Reserve Program, and the wetland restoration efforts on Federal, State, local, and private lands;

(2) involve the Federal, State, and local Wetlands Coordination Committee established pursuant to section 804;

(3) inventory and evaluate existing restoration efforts and make suggestions for the establishment of new watershed specific efforts consistent with existing Federal programs and State, regional, and local wetland protection and management efforts;

(4) evaluate the role presently being played by wetland restoration in both regulatory and nonregulatory contexts and the relative success of wetland restoration in these contexts;

(5) develop criteria for identifying wetland restoration sites on a watershed basis, procedures for wetlands restoration, and ecological criteria for wetlands restoration; and

(6) identify regulatory obstacles to wetlands ecosystem restoration and recommend methods to reduce such obstacles.

SEC. 807. PERMITS FOR DISCHARGE OF DREDGED OR FILL MATERIAL.

(a) PERMIT MONITORING AND TRACKING.—Section 404(a) (33 U.S.C. 1344) is amended by adding at the end thereof the following: ''The Secretary shall, in cooperation with the Administrator, establish a permit monitoring and tracking programs on a watershed basis to monitor the cumulative impact of individual and general permits issued under this section. This program shall determine the impact of permitted activities in relationship to the no net loss goal. Results shall be reported biannually to Congress.''.

(b) ISSUANCE OF GENERAL PERMITS.—Paragraph (1) of section 404(e) is amended by inserting ''local,'' before ''State, regional, or nationwide basis'' in the first sentence.

(c) REVOCATION OR MODIFICATION OF GENERAL PERMITS.—Paragraph (2) of section 404(e) is amended by striking the period at the end and inserting ''or a State or local government has failed to adequately monitor and control the individual and cumulative adverse effects of activities authorized by State or local programmatic general permits.''.

(d) PROGRAMMATIC GENERAL PERMITS.—Section 404(e) is amended by adding at the end thereof the following new paragraph:

''(3) PROGRAMMATIC GENERAL PERMITS.—Consistent with the following requirements, the Secretary may, after notice and opportunity for public comment, issue State or local programmatic general permits for the purpose of avoiding unnecessary duplication of regulations by State, regional, and local regulatory programs:

''(A) The Secretary may issue a programmatic general permit based on a State, regional, or local government regulatory program if that general permit includes adequate safeguards to ensure that the State, regional, or local program will have no more than minimal cumulative impacts on the environment and will provide at least the same degree of protection for the environment, including all waters of the United States, and for Federal interests, as is provided by this section and by the Federal permitting program pursuant to section 404(a). Such safeguards shall include provisions whereby the Corps District Engineer and the Regional Administrators or Directors of the Environmental Protection Agency, the United States Fish and Wildlife Service, and the National Marine Fisheries Service (where appropriate), shall have an opportunity to review permit applications submitted to the State, regional, or local regulatory agency which would have more than minimal individual or cumulative adverse impacts on the environment, attempt to resolve any environmental concern or protect any Federal interest at issue, and, if such concern is not adequately addressed by the State, local, or regional agency, require the processing of an individual Federal permit under this section for the specific proposed activity. The Secretary shall ensure that the District Engineer will utilize this authority to protect all Federal interests including, but not limited to, national security, navigation, flood control, Federal endangered or threatened species, Federal interests under the Wild and Scenic Rivers Act, special aquatic sites of national importance, and other interests of overriding national importance. Any programmatic general permit issued under this subsection shall be consistent with the guidelines promulgated to implement subsection (b)(1).

''(B) In addition to the requirements of subparagraph (A), the Secretary shall not promulgate any local or regional programmatic general permit based on a local or regional government's regulatory program unless the responsible unit of government has also adopted a wetland and watershed management plan and is administering regulations to implement this plan. The watershed management plan shall include—

''(i) the designation of a local or regional regulatory agency which shall be responsible for issuing permits under the plan and for making reports every 2 years on implementation of the plan and on the losses and gains in functions and acres of wetland within the watershed plan area;

''(ii) mapping of—

''(I) the boundary of the plan area;

''(II) all wetlands and waters within the plan area as well as other areas proposed for protection under the plan; and

''(III) proposed wetland restoration or creation sites with a description of their intended functions upon completion and the time required for completion;

''(iii) a description of the regulatory policies and standards applicable to all wetlands and waters within the plan areas and all activities which may affect these wetlands and waters that will assure, at a minimum, no net loss of the functions and acres of wetlands within the plan area; and

''(iv) demonstration that the regulatory agency has the legal authority and scientific monitoring capability to carry out the proposed plan including the issuance, monitoring, and enforcement of permits in compliance with the plan.''.

(e) GRANDFATHER OF EXISTING GENERAL PERMITS.—Section 404(e) is further amended by adding at the end the following:

''(4) GRANDFATHER OF EXISTING GENERAL PERMITS.—General permits in effect on day before the date of the enactment of the Wetlands and Watershed Management Act of 1995 shall remain in effect until otherwise modified by the Secretary.''.

(f) DISCHARGES NOT REQUIRING A PERMIT.—Section 404(f) (33 U.S.C. 1344(f)) is amended by striking the subsection designation and paragraph (1) and inserting the following:

''(f) EXEMPTIONS.—

''(1) ACTIVITIES NOT REQUIRING PERMIT.—

''(A) IN GENERAL.—Activities are exempt from the requirements of this section and are not prohibited by or otherwise subject to regulation under this section or section 301 or 402 of this Act (except effluent standards

or prohibitions under section 307 of this Act) if such activities—

''(i) result from normal farming, silviculture, aquaculture, and ranching activities and practices, including but not limited to plowing, seeding, cultivating, haying, grazing, normal maintenance activities, minor drainage, burning of vegetation in connection with such activities, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;

''(ii) are for the purpose of maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, flood control channels or other engineered flood control facilities, water control structures, water supply reservoirs (where such maintenance involves periodic water level drawdowns) which provide water predominantly to public drinking water systems, groins, riprap, breakwaters, utility distribution and transmission lines, causeways, and bridge abutments or approaches, and transportation structures;

''(iii) are for the purpose of construction or maintenance of farm, stock or aquaculture ponds, wastewater retention facilities (including dikes and berms) that are used by concentrated animal feeding operations, or irrigation canals and ditches or the maintenance or reconstruction of drainage ditches and tile lines;

''(iv) are for the purpose of construction of temporary sedimentation basins on a construction site, or the construction of any upland dredged material disposal area, which does not include placement of fill material into the navigable waters;

''(v) are for the purpose of construction or maintenance of farm roads or forest roads, in accordance with best management practices, to assure that flow and circulation patterns and chemical and biological characteristics of the waters are not impaired, that the reach of the waters is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized;

''(vi) are undertaken on farmed wetlands, except that any change in use of such land for the purpose of undertaking activities that are not exempt from regulation under this subsection shall be subject to the requirements of this section to the extent that such farmed wetlands are 'wetlands' under this section;

''(vii) are undertaken in incidentally created wetlands, unless such incidentally created wetlands have exhibited wetlands functions and values for more than 5 years in which case activities undertaken in such wetlands shall be subject to the requirements of this section; and

''(viii) are for the purpose of preserving and enhancing aviation safety or are undertaken in order to prevent an airport hazard.''.

(g) AREAS NOT CONSIDERED TO BE NAVIGABLE WATERS.—Section 404(f) is further amended by adding the following:

''(3) AREAS NOT CONSIDERED TO BE NAVIGABLE WATERS.—

''(A) IN GENERAL.—For purposes of this section, the following shall not be considered navigable waters:

''(i) Irrigation ditches excavated in uplands.

''(ii) Artificially irrigated areas which would revert to uplands if the irrigation ceased.

''(iii) Artificial lakes or ponds created by excavating or diking uplands to collect and retain water, and which are used exclusively for stock watering, irrigation, or rice growing.

''(iv) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking uplands to retain water for primarily aesthetic reasons.

''(v) Temporary, water filled depressions created in uplands incidental to construction activity.

''(vi) Pits excavated in uplands for the purpose of obtaining fill, sand, gravel, aggregates, or minerals, unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States.

''(vii) Artificial stormwater detention areas and artificial sewage treatment areas which are not modified natural waters.

''(B) DEMONSTRATION REQUIRED.—Subparagraph (A) shall not apply to a particular water body unless the person desiring to discharge dredged or fill material in that water body is able to demonstrate that the water body qualifies under subparagraph (A) for exemption from regulation under this section.''.

SEC. 808. TECHNICAL ASSISTANCE TO PRIVATE LANDOWNERS, CODIFICATION OF REGULATIONS AND POLICIES.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(u)(1) The Secretary and the Administrator shall in cooperation with the United States Fish and Wildlife Service, Natural Resources Conservation Service, and National Marine Fisheries Service provide technical assistance to private landowners in delineation of wetlands and the planning and management of their wetlands. This assistance shall include—

''(A) the delineation of wetland boundaries within 90 days (providing on the ground conditions allow) of a request for such delineation for a project with a proposed individual permit application under this section and a total assessed value of less than $15,000; and

''(B) the provision of technical assistance to owners of wetlands in the preparation of wetland management plans for their lands to protect and restore wetlands and meet other goals of this Act, including control of nonpoint and point sources of pollution, prevention and reduction of erosion, and protection of estuaries and lakes.

''(2) The Secretary shall prepare, update on a biannual basis, and make available to the public for purchase at cost, an indexed publication containing all Federal regulations, general permits, and regulatory guidance letters relevant to the permitting of activities in wetland areas pursuant to section 404(a). The Secretary and the Administrator shall also prepare and distribute brochures and pamphlets for the public addressing—

''(A) the delineation of wetlands,

''(B) wetland permitting requirements; and

''(C) wetland restoration and other matters considered relevant.''.

SEC. 809. DELINEATION.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(v) DELINEATION.—

''(1) IN GENERAL.—The United States Army Corps of Engineers, the United States Environmental Protection Agency, and other Federal agencies shall use the 1987 Corps of Engineers Manual for the Delineation of Jurisdictional Wetlands pursuant to this section until a new manual has been prepared and formally adopted by the Corps and the Environmental Protection Agency with input from the United States Fish and Wildlife Service, Natural Resources, Natural Resources Conservation Service, and other relevant agencies and adopted after field testing, hearing, and public comment. Any new manual shall take into account the conclusions of the National Academy of Sciences panel concerning the delineation of wetlands. The Corps, in cooperation with the Environmental Protection Agency and the Department of Agriculture, shall develop materials and conduct training courses for consultants, State, and local governments, and landowners explaining the use of the Corps 1987 wetland manual in the delineation of wetland areas. The Corps, in cooperation with the Environmental Protection Agency and the Department of Agriculture, may also, in cooperation with the States, develop supplemental criteria and procedures for identification of regional wetland types. Such criteria and procedures may include supplemental plant and soil lists and supplementary technical criteria pertaining to wetland hydrology, soils, and vegetation.

''(2) AGRICULTURAL LANDS.—

''(A) DELINEATION BY SECRETARY OF AGRICULTURE.—For purposes of this section, wetlands located on agricultural lands and associated nonagricultural lands shall be delineated solely by the Secretary of Agriculture in accordance with section 1222(j) of the Food Security Act of 1985 (16 U.S.C. 3822(j)).

''(B) EXEMPTION OF LANDS EXEMPTED UNDER FOOD SECURITY ACT.—Any area of agricultural land or any discharge related to the land determined to be exempt from the requirements of subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) shall also be exempt from the requirements of this section for such period of time as those lands are used as agricultural lands.

''(C) EFFECT OF APPEAL DETERMINATION PURSUANT TO FOOD SECURITY ACT.—Any area of agricultural land or any discharge related to the land determined to be exempt pursuant to an appeal taken pursuant to subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) shall be exempt under this section for such period of time as those lands are used as agricultural lands.''.

SEC. 810. FAST TRACK FOR MINOR PERMITS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(w)(1) Not later than 6 months after the date of enactment of this subsection, the Secretary shall issue regulations to explore the review and practice of individual permits for minor activities. Minor activities include activities of 1 acre or less in size which also have minor direct, secondary, or cumulative impacts.

''(2) Permit applications for minor permits shall ordinarily be processed within 60 days of the receipt of completed application.

''(3) The Secretary shall establish fast-track field teams or other procedures in the individual offices sufficient to expedite the processing of the individual permits involving minor activities.''.

SEC. 811. COMPENSATORY MITIGATION.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(x) GENERAL REQUIREMENTS.—(1) Each permit issued under this section that results in loss of wetland functions or acreage shall require compensatory mitigation. The preferred sequence of mitigation options is as set forth in subparagraph (A) and (C). However, the Secretary shall have sufficient flexibility to approve practical options that provide the most protection to the resource—

''(A) measures shall first be undertaken by the permittee to avoid any adverse effects on wetlands caused by activities authorized by the permit.

''(B) measures shall be undertaken by the permittee to minimize any such adverse effects that cannot be avoided;

''(C) measures shall then be undertaken by the permittee to compensate for adverse impacts on wetland functions, values, and acreage;

''(D) where compensatory mitigation is used, preference shall be given to in-kind restoration on the same water body and within the same local watershed;

''(E) where on-site and in-kind compensatory mitigation are impossible, impractical, would fail to work in the circumstances, or would not make ecological sense, off-site and/or out-of-kind compensatory mitigation may be permitted within the watershed including participation in cooperative mitigation ventures or mitigation banks as provided in section 404(y).

''(2) The Secretary in consultation with the Administrator shall ensure that compensable mitigation by a permitee—

''(A) is a specific, enforceable condition of the permit for which it is required;

''(B) will meet defined success criteria; and

''(C) is monitored to ensure compliance with the conditions of the permit and to determine the effectiveness of the mitigation in compensating for the adverse effects for which it is required.''.

SEC. 812. COOPERATIVE MITIGATION VENTURES AND MITIGATION BANKS.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(y)(1) Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly issue rules for a system of cooperative mitigation ventures and wetland banks. Such rules shall, at the minimum, address the following topics:

''(A) Mitigation banks and cooperative ventures may be used on a watershed basis to compensate for unavoidable wetland losses which cannot be compensated on-site due to inadequate hydrologic conditions, excessive sedimentation, water pollution, or other problems. Mitigation banks and cooperative ventures may also be used to improve the potential success of compensatory mitigation through the use of larger projects, by locating projects in areas in more favorable short-term and long-term hydrology and proximity to other wetlands and waters, and by helping to ensure short-term and long-term project protection, monitoring, and maintenance.

''(B) Parties who may establish mitigation banks and cooperative mitigation ventures for use in specific context and for particular types of wetlands may include government agencies, nonprofits, and private individuals.

''(C) Surveys and inventories on a watershed basis of potential mitigation sites throughout a region or State shall ordinarily be required prior to the establishment of mitigation banks and cooperative ventures pursuant to this section.

''(D) Mitigation banks and cooperative mitigation ventures shall be used in a manner consistent with the sequencing requirements to mitigate unavoidable wetland impacts. Impacts should be mitigated within the watershed and water body if possible with on-site mitigation preferable as set forth in section 404(x).

''(E) The long-term security of ownership interests of wetlands and uplands on which projects are conducted shall be insured to protect the wetlands values associated with those wetlands and uplands;

''(F) Methods shall be specified to determine debits by evaluating wetland functions, values, and acreages at the sites of proposed permits for discharges or alternations pursuant to subsections (a), (c), and (g) and methods to be used to determine credits based upon functions, values, and acreages at the times of mitigation banks and cooperative mitigation ventures.

''(G) Geographic restrictions on the use of banks and cooperative mitigation ventures shall be specified. In general, mitigation banks or cooperative ventures shall be located on the same water body as impacted wetlands. If this is not possible or practical, banks or ventures shall be located as near as possible to impacted projects with preference given to the same watershed where the impact is occurring.

''(H) Compensation ratios for restoration, creation, enhancement, and preservation reflecting and overall goal of no net loss of function and the status of scientific knowledge with regard to compensation for individual wetlands, risks, costs, and other relevant factors shall be specified. A minimum restoration compensation ratio of 1:1 shall be required for restoration of lost acreage with larger compensation ratios for wetland creation, enhancement and preservation.

''(I) Fees to be charged for participation in a bank or cooperative mitigation venture shall be based upon the costs of replacing lost functions and acreage on-site and off-site; the risks of project failure, the costs of long-term maintenance, monitoring, and protection, and other relevant factors.

''(J) Responsibilities for long-term monitoring, maintenance, and protection shall be specified.

''(K) Public review of proposals for mitigation banks and cooperative mitigation ventures through one or more public hearings shall be provided.

''(2) The Secretary, in consultation with the Administrator, is authorized to establish and implement a demonstration program for creating and implementing mitigation banks and cooperative ventures and for evaluating alternative approaches for mitigation banks and cooperative mitigation ventures as a means of contributing to the goals established by section 101(a)(8) or section 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403). The Secretary shall also monitor and evaluate existing banks and cooperative ventures and establish a number of such banks and cooperative ventures to test and demonstrate:

''(A) The technical feasibility of compensation for lost on-site values through off-site cooperative mitigation ventures and mitigation banks.

''(B) Techniques for evaluating lost wetland functions and values at sites for which permits are sought pursuant to section 404(a) and techniques for determining appropriate credits and debits at the sites of cooperative mitigation ventures and mitigation banks.

''(C) The adequacy of alternative institutional arrangements for establishing and administering mitigation banks and cooperative mitigation ventures.

''(D) The appropriate geographical locations of bank or cooperative mitigation ventures in compensation for lost functions and values.

''(E) Mechanisms for ensuring short-term and long-term project monitoring and maintenance.

''(F) Techniques and incentives for involving private individuals in establishing and implementing mitigation banks and cooperative mitigation ventures.

Not later than 3 years after the date of the enactment of this subsection, the Secretary shall transmit to Congress a report evaluating mitigation banks and cooperative ventures. The Secretary shall also, within this time period, prepare educational materials and conduct training programs with regard to the use of mitigation banks and cooperative ventures.''.

SEC. 813. WETLANDS MONITORING AND RESEARCH.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(z) The Secretary, in cooperation with the Administrator, the Secretary of Agriculture, the Director of the United States Fish and Wildlife Service, and appropriate State and local government entities, shall initiate, with opportunity for public notice and comment, a research program of wetlands and watershed management. The purposes of the research program shall include, but not be limited—

''(1) to study the functions, values and management needs of altered, artificial, and managed wetland systems including lands that were converted to production of commodity crops prior to December 23, 1985, and report to Congress within 2 years of the date of the enactment of this subsection;

''(2) to study techniques for managing and restoring wetlands within a watershed context;

''(3) to study techniques for better coordinating and integrating wetland, floodplain, stormwater, point and nonpoint source pollution controls, and water supply planning and plan implementation on a watershed basis at all levels of government; and

''(4) to establish a national wetland regulatory tracking program on a watershed basis.

This program shall track the individual and cumulative impact of permits issued pursuant to section 404(a), 404(e), and 404(h) in terms of types of permits issued, conditions, and approvals. The tracking program shall also include mitigation required in terms of the amount required, types required, and compliance.''.

SEC. 814. ADMINISTRATIVE APPEALS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(aa) ADMINISTRATIVE APPEALS.—

''(1) REGULATIONS ESTABLISHING PROCEDURES.—Not later than 1 year after the date of the enactment of the Wetlands and Watershed Management Act of 1995, the Secretary shall, after providing notice and opportunity for public comment, issue regulations establishing procedures pursuant to which—

''(A) a landowner may appeal a determination of regulatory jurisdiction under this section with respect to a parcel of the landowner's property;

''(B) a landowner may appeal a wetlands classification under this section with respect to a parcel of the landowner's property;

''(C) any person may appeal a determination that the proposed activity on the landowner's property is not exempt under subsection (f);

''(D) a landowner may appeal a determination that an activity on the landowner's property does not qualify under a general permit issued under this section;

''(E) an applicant for a permit under this section may appeal a determination made pursuant to this section to deny issuance of the permit or to impose a requirement under the permit; and

''(F) a landowner or any other person required to restore or otherwise alter a parcel of property pursuant to an order issued under this section may appeal such order.

''(2) DEADLINE FOR FILING APPEAL.—An appeal brought pursuant to this subsection shall be filed not later than 30 days after the date on which the decision or action on which the appeal is based occurs.

''(3) DEADLINE FOR DECISION.—An appeal brought pursuant to this subsection shall be decided not later than 90 days after the date on which the appeal is filed.

''(4) PARTICIPATION IN APPEALS PROCESS.—Any person who participated in the public comment process concerning a decision or action that is the subject of an appeal brought pursuant to this subsection may participate in such appeal with respect to those issues raised in the person's written public comments.

''(5) DECISIONMAKER.—An appeal brought pursuant to this subsection shall be heard and decided by an appropriate and impartial official of the Federal Government, other

than the official who made the determination or carried out the action that is the subject of the appeal.

''(6) STAY OF PENALTIES AND MITIGATION.—A landowner or any other person who has filed an appeal under this subsection shall not be required to pay a penalty or perform mitigation or restoration assessed under this section or section 309 until after the appeal has been decided.''.

SEC. 815. CRANBERRY PRODUCTION.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(bb) CRANBERRY PRODUCTION.—Activities associated with expansion, improvement, or modification of existing cranberry production operations shall be deemed in compliance, for purposes of sections 309 and 505, with section 301, if—

''(1) the activity does not result in the modification of more than 10 acres of wetlands per operator per year and the modified wetlands (other than where dikes and other necessary facilities are placed) remain as wetlands or other waters of the United States; or

''(2) the activity is required by any State or Federal water quality program.''.

SEC. 816. STATE CLASSIFICATION SYSTEMS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(cc) STATE CLASSIFICATION SYSTEMS.—

''(1) GUIDELINES.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, in consultation with the Administrator, the Secretary of Agriculture, and the Director of the United States Fish and Wildlife Service, shall establish guidelines to aid States and Indian tribes in establishing classification systems for the planning, managing, and regulating of wetlands.

''(2) ESTABLISHMENT.—In accordance with the guidelines established under paragraph (1), a State or Indian tribe may establish a wetlands classification system for lands of the State or Indian tribe and may submit such classification system to the Secretary for approval. Upon approval, the Secretary shall use such classification system in making permit determinations and establishing mitigation requirements for lands of the State or Indian tribe under this section.

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect a State with an approved program under subsection (h) or a State with a wetlands classification system in effect on the date of the enactment of this subsection.''.

SEC. 817. DEFINITIONS.

Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(26) The term 'wetland' means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

''(27) The term 'discharge of dredged or fill material' means the act of discharging and any related act of filling, grading, draining, dredging, excavation, channelization, flooding, clearing of vegetation, driving of piling or placement of other obstructions, diversion of water, or other activities in navigable waters which impair the flow, reach, or circulation of surface water, or which result in a more than minimal change in the hydrologic regime, bottom contour, or configuration of such waters, or in the type, distribution, or diversity of vegetation in such waters.

''(28) The term 'mitigation bank' shall mean wetland restoration, creation, or enhancement projects undertaken primarily for the purpose of providing mitigation compensation credits for wetland losses from future activities. Often these activities will be, as yet, undefined.

''(29) The term 'cooperative mitigation ventures' shall mean wetland restoration, creation, or enhancement projects undertaken jointly by several parties (such as private, public, and nonprofit parties) with the primary goal of providing compensation for wetland losses from existing or specific proposed activities. Some compensation credits may also be provided for future as yet undefined activities. Most cooperative mitigation ventures will involve at least one private and one public cooperating party.

''(30) The term 'normal farming, silviculture, aquaculture and ranching activities' means normal practices identified as such by the Secretary of Agriculture, in consultation with the Cooperative Extension Service for each State and the land grant university system and agricultural colleges of the State, taking into account existing practices and such other practices as may be identified in consultation with the affected industry or community.

''(31) The term 'agricultural land' means cropland, pastureland, native pasture, rangeland, an orchard, a vineyard, nonindustrial forest land, an area that supports a water dependent crop (including cranberries, taro, watercress, or rice), and any other land used to produce or support the production of an annual or perennial crop (including forage or hay), aquaculture product, nursery product, or wetland crop or the production of livestock.''.

TITLE IX—MISCELLANEOUS

SEC. 901. OBLIGATIONS AND EXPENDITURES SUBJECT TO APPROPRIATIONS.

No provision or amendments of this Act shall be construed to make funds available for obligation or expenditure for any purpose except to the extent provided in advance in appropriation Acts.

Mr. SAXTON. Mr. Chairman, let me begin by expressing my personal appreciation and the appreciation of many of my colleagues for the cooperation shown by the chairman of the committee in helping to bring forward this rule, and the opportunity of those of us who have some differences with the committee bill, and giving us an opportunity to express those differences as well as to offer amendments like the one at the desk.

I would also like to express my appreciation for the gentleman from New York [Mr. BOEHLERT] and the gentleman from Indiana [Mr. ROEMER], both of whom have worked many long hours along with me and my staff in working to bring forth the amendment that we are considering at this time.

I think it is noteworthy to mention that while this is a substitute amendment, that it adopts some 70 to 75 percent of the committee draft, and that the language of the gentleman from Pennsylvania [Mr. SHUSTER] in those cases remains the same.

There are several however, sections of the bill that we believe can be improved, and I just would like to talk about those several sections for just a minute.

As many of my colleagues know, having heard previous statements that I and others have made today, those of us who live in and represent areas of the country that are densely populated, or that are in coastal areas or that are in areas such as the Mississippi River Valley and other environmentally sensitive ecosystem type areas around the country have very serious concerns with at least four sections. One is the section that involves wetlands. The second is the section that involves nonpoint sources of pollutions. The third is in the permitting system, and what the committee mark does to the permitting process in terms of eliminating it is very effective. And the fourth, at least for me and for others I believe, is the issue of ocean dumping, and I would just like to address those four areas for just a minute.

With regard to wetlands, it is pretty obvious that in New Jersey, where we estimate that 90 percent of our wetlands would be declassified as wetlands under the language of the committee bill, this causes a great deal of concern inasmuch as wetlands play a very vital environmental role in coastal areas, and so if I, as I am, were a representative of a coastal area anywhere from Maine to Florida on the east coast I would be terribly concerned about the effect of this bill, or if I were a representative from the Gulf States bordering on the Gulf of Mexico I would be terribly concerned about the provisions of bill, and of course if I were from California or Oregon or Washington State I would be equally concerned by the provisions as they relate to wetlands.

Of course we all know as well that wetlands act as a natural filtering system and act as the very basis of life in many cases, and so the committee mark, which does what we think is wrong things to the concept of wetlands protection, needs to be rewritten, and our bill does that.

With regard to the nonpoint source pollution program and the Coastal Zone Management Act, which in its very nature creates a partnership between State governments and the Federal Government with regard to this very important nonpoint issue, was also done, we think, significant harm by the committee mark. And we believe, therefore, that changes are necessary.

Those of us who have had problems with point sources of pollution have been able to identify such things as outfalls into our streams and rivers and bays and oceans. We have been able to deal with them. They are a relatively simple task to take care of, and I say relatively simple. It is never easy nor it is ever simple, but at least you can identify the source of pollution.

With regard to nonpoint sources, it is a much more difficult task, and the CZMA sets up this partnership between the State and Federal Government in order to identify and develop programs in order to deal with nonpoint sources, and here again we would maintain what the coastal States association have endorsed, as a matter of fact

CZMA language which solves this problem.

With regard to storm water discharge, obviously it is a very big issue and a problem that creates a great deal of damage to our coastal environment as well as to other tributaries around the country, and here again the permitting process is damaged severely under the language of the committee mark. And so we would make significant changes and do in the committee substitute which we will be voting on a little bit later today.

Finally with regard to ocean dumping, this has been a tremendous task which we have done on a bipartisan basis; the gentleman from New Jersey [Mr. PALLONE] is here and our former colleague, Bill Hughes, all worked together to put an end to ocean dumping. We address in our substitute only that section of the bill that has to do with dredge spoil deposit offshore.

So we ask our colleagues to support our substitute, and I thank the Members for their consideration.

Mr. PETERSON of Minnesota. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I said earlier, I represent an area that has a lot of wetlands, and I have been involved with this issue all of my political career in the State legislature, and now since I have been in Congress to some extent, and I think people ought to read what is in this bill.

The gentleman says they have 75 percent of what is in the Shuster bill, but you have to look at what the content is and realize some of things that have been left out. First of all, there is no risk assessment at all in this bill, No. 1.

No. 2, in the wetlands area, you know in our country we have been trying to simplify this process. What is driving people crazy is they have got to go to all of these agencies and they overrule each other and they do not talk to each other and they do not agree on things, and cause an untold amount of problems for my constituents. What this bill is going to do if you take it out and read it, it is going to create a new wetlands coordinating commission that is going to be appointed by the administrator of the Environmental Protection Agency, which we have been trying to get out of this process because frankly they do not belong in the process in the farm country, and they are going to create a coordinating committee that is going to have 18 Federal agencies trying to coordinate some kind of wetlands policy. And if I could just read some of the things that this new committee is supposed to do, I think that folks when they start taking a look at what is in this bill are going to have some different ideas.

They are going to help coordinate Federal, State, local wetland planning, regulatory restoration programs on an ongoing basis to reduce duplication, resolve potential conflicts, and efficiently allocate manpower.

But let me tell Members what the problem is in my county, it is not the law that is the problem so much, it is the people that are trying to implement the law.

I have a county, two counties right next to each other, and in one county where the people used some common sense and worked together they resolved all of the wetlands problems without a single ripple. You go to the next county where you had some people that were rigid and did not want to work with each other, and you have the biggest hornets' nest and the biggest mess you have ever seen, and I submit any change in the law is not going to solve that kind of problem.

And clearly setting up a coordinating committee with 18 Federal agencies is not going to make this situation better. It is going to make it worse.

Last of all, I also heard this story that the wetlands are so important, a public treasure, and they are important to all of us in this country and we agree with that. But there is this point of view and mostly I think by urban folks, they somehow or another think we out in the country ought to pay that entire burden.

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Well, I submit that if wetlands are that important, and I think we agree that they are, then we all, as a nation, need to pay for the cost of this, and that is what we are trying to do with some of the changes that were in the private property rights bill, and also some of the changes that are in 961, by taking that, recognizing that wetlands are important and something that we want to maintain, but spreading that cost across all of the people in this country, not just the people upon which the wetlands happen, their property where the wetlands happen to reside.

Mr. Chairman, last of all, I have been working on the conservation reserve program in the Committee on Agriculture. When that program was set up, wetlands were excluded from the Conservation Reserve program. We created another program called the wetlands reserve which was never funded and does not have public support.

What we need to do, rather than take this regulatory approach to wetlands, we need to take and change the Conservation Reserve so the No. 1 priority to go into the CRP is wetlands, a voluntary program, a 10-year program. We are going to preserve way more wetlands in that kind of an approach than we are setting up some kind of a committee with 18 agencies involved and some kind of bureaucracy. That is the last thing we need to do.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Minnesota. I yield to the gentleman from New Jersey.

Mr. SAXTON. I would just like to point out to the gentleman I share your concerns about building bigger bureaucracies and establishing committees on top of committees.

The Wetlands Coordinating Committee is something that is endorsed by the Governors, that would have Federal Representation, State Representation, local representation in order to look at individual cases to try and determine where we believe this is warranted. If we all agree, as you stated, I agree with you, that wetlands are important, we have to have some mechanism in which to deal with them. This is a partnership effort established and created in cooperation with the States in order to carry out this coordinating function.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. PETERSON] has expired.

(At the request of Mr. BOEHLERT and by unanimous consent, Mr. PETERSON of Minnesota was allowed to proceed for 2 additional minutes.)

Mr. PETERSON of Minnesota. If I could just respond to the question, you know, with all due respect, you ought to come and see what is going on in Minnesota. It is the State of Minnesota that has created the bigger hornet's nest than the Federal Government. From my standpoint, if you see what has been happening with these State laws, they are causing more problems than we are, and as I understand it, it is the wetlands managers in the States that support this, not the Governors and elected officials.

Mr. SAXTON. The National Governors' Association supports this.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Minnesota. I yield to the gentleman from New York.

Mr. BOEHLERT. I would like to make two points. If it is the State of Minnesota that is giving you some problems, I suggest you deal with the State and not question the Federal law.

Mr. PETERSON of Minnesota. The Federal law is a problem, too.

Mr. BOEHLERT. I want to point out on delineation, section 809 of the bill. I want to stress this, delineation by the Secretary of Agriculture, for purposes of this section, wetlands located on agricultural land and associated nonagricultural lands shall be delineated solely by the Secretary of Agriculture. That is critically important; not by the Environmental Protection Agency, not by some commission, solely by the Secretary of Agriculture. We are very sensitive to the needs of the agriculture community.

I am privileged to represent a district that has a large agricultural interest.

Mr. PETERSON of Minnesota. Just to answer the question, why do we need a coordinating committee with all of these agencies, if we are going to give the power to the Secretary of Agriculture? I mean, the trouble that I have had out there is that we get everybody else involved in these permits but you cannot get an answer half of the time from these agencies. If we get

set up some new structure, we have got all of these agencies involved, and the EPA is in charge; even if you give it to the Secretary of Agriculture, I do not think it is going to work.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. PETERSON] has again expired.

(At the request of Mr. BOEHLERT and by unanimous consent, Mr. PETERSON of Minnesota was allowed to proceed for 1 additional minute.)

Mr. BOEHLERT. Let me stress once again on agriculture, solely by the Secretary of Agriculture, not some commission, but the commission that is set up outside of this to deal with nonagricultural lands is set up to give guidance to the States. The National Governors' Association, we have embraced in our substitute specific language of the National Governors' Association dealing with the subject of wetlands. We agree with you, we want to give our Governors, those are the laboratories, we want to give them more responsibility, more flexibility.

Mr. PETERSON of Minnesota. Just to close this off, I have a letter here from just about every agriculture group, soil-water conservation groups that I know of in my State, they are opposed to this substitute. They support the chairman's bill, 961. I would urge defeat of the Boehlert substitute.

Mr. BOEHLERT. If the gentleman will yield further, let me point out that this is a 334-page bill that was just made available Thursday. The report was just available yesterday for the first time. They have not read the report.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this bipartisan, commonsense, locally driven bill to provide solutions to provide clean water to our constituents.

I want to start out by articulating my great respect for the gentleman from New Jersey [Mr. SAXTON] and the gentleman from New York [Mr. BOEHLERT].

I think the elections in November of 1994 were about bipartisanship and common sense and trying to reinvent Washington, DC, and come up with locally driven solutions, and that is precisely what this substitute does.

When I was a little boy and we used to go up to Lake Michigan, Lake Michigan borders my district, the Third District of Indiana, and we would try to find a spot in the sand to spread beach towels where there were not dead fish and dead seaweed and trash and all kinds of problems from Lake Michigan washed upon the shore. It was difficult to do it. Certainly we did not compete much with other people trying to go swimming or catch some sun.

We had huge difficulties with pollution on Lake Michigan. Now it is beautiful. The water is clean. We have festivals and fishing exhibits. We have all kinds of development. We have boating. We have condos and houses springing up along Lake Michigan is my district.

What we need to do, ladies and gentlemen, is come up with a common sense bill that does not swing so far to the left or to the right but comes firmly down in the middle to protect our clean water, to encourage business, to encourage a strong economy and to encourage a clean water future for our children.

I talk about the Great Lakes and Lake Erie as a great example of this. Twenty years ago, people used to joke about lighting Lake Erie on fire or walking across Lake Erie. Now they have built a brand new baseball stadium that is the pride of Cleveland that has a view of Lake Erie that has brought back the city.

The Clean Water Act has been part of that. Now, certainly, we can say that there are a great deal of problems with the Clean Water Act. They did not use, they have not used enough common sense. They have been too prescriptive in a lot of ways, especially in the wetlands where I hear from my farmers time in and time out, day after day, and what we try to do with this legislation, we try to keep about 70 percent of 961 and we try to come up with commonsense solutions on wetlands and other areas and incorporate that to improve this bill.

I have been on farms in my district where a farmer says to me, he has taken a backhoe in his back yard and accidentally broken some tile, and then the Federal Government wants to come along and say, ''This is a wetlands. I am sorry, Harry, this is our land.''

Our legislation gives the property right to the owner. We do want to make sure that that farmer has the privilege and the right to protect his land.

But we also want to attain a balance of not taking away 60 or 70 percent of the wetlands in this country.

I would also like to talk a little bit about the economy and businesses. A small business owner in my district who employees 700 people in four different plants was in my office. He said, ''I strongly support the Saxton-Boehlert-Roemer substitute. I belong to the chamber of commerce. I belong to the host of business organizations, but I manufacture small boats and employ 700 people. We cannot roll back legislation that protects clean water. We need a fair compromise here.'' That is what this substitute achieves. It does not do it by achieving Washington standards on our wetlands solution.

We say that the National Governors' Association should develop the answer. They have simplified the permitting process and expanded the role for State wetland managers, moving the decision process directly to the local level. We have adopted the State solution.

I encourage my colleagues, for the sake of common sense and bipartisanship, to support this Saxton-Boehlert-Roemer substitute.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the substitute amendment and in support of H.R. 961, and make no mistake about it, this substitute is being presented as a middle-of-the-road compromise, but it is much more than that.

Basically, it returns the status quo. It really retains many of the provisions in the existing law that have been the source of most of the objections and criticisms that we have seen come against the Clean Water Act.

In the time that I have been in the House, I think it has become very clear to me this institution as an institution resists change. It is reluctant to embrace change, is reluctant to recognize that times change and that, therefore, legislation needs to be fashioned to meet that change. It really is my belief that some of the opponents of the committee's bill and the supporters of this bill fear change, because it represents change in doing business by removing highly prescriptive, top-down federalism which is now integral to virtually all environmental programs that we have dealt with over the years.

This bill, I think, represents for the first time in recent memory the Federal Government will cede, this is almost unheard of, will cede some authority in the environmental arena to State and local government, giving them greater latitude to provide solutions to vexing pollution problems.

What the opponents of the committee bill and the proponents of the substitute choose to ignore rather artfully, I would have to say, is H.R. 961 does not turn back the clock on environmental standards. It does, in fact, lateral some of the responsibility and sets the stage for implementing locally designed solutions. And is that not what really we heard in the election last year, that people are crying out for the opportunity to use their own creativity to come up with solutions to unique problems? We are not talking about eroding or cutting back standards. We are saying give localities the ability to deal creatively with their own problems.

Environmentalists, the more rigid environmentalists, embrace the current program because it has worked and worked rather well these past 23 years. But I think in the face of vastly changed circumstances which we have now, they are unwilling to cede to State and local governments any degree of autonomy as we move to address more complicated and difficult problems, and they are unwilling to embrace innovative approaches that may achieve comparable or better cleanup standards at significantly lower costs.

Bear in mind, Mr. Chairman, that when the clean water program was first established, the national deficit was a mere fraction of its current size, and

the Federal Government was at that time handing out huge grants to pay for up to 80 percent of the construction costs. Those days are long gone, have been gone forever. Today the market is radically different. The chief distinction being the elimination of the grants, as I have said, and communities now contemplating construction of wastewater plants are generally very small, secondary treatment standards are high, and the cost of technology has gone through the roof.

These small communities, in my congressional district, are emblematic of others around this country. This results in a very serious affordability problem.

Earlier this year the Congress, I think, recognized the tough financial challenges which face our communities when it passed the unfunded mandates legislation which I had the honor to bring to the floor saying we are no longer going to impose new requirements without providing resources to pay for them, a very simple proposal, but one which we, frankly, had difficulty even getting consideration for in this Congress.

This bill, the committee bill, is consistent with this public law by increasing the Federal contribution to State revolving funds and giving greater flexibility to States and localities to comply with the Clean Water Act, and I think that, to me, is the most critical part of this legislation, the fact that it does provide flexibility for the first time.

Take a close look at those who support and those who oppose the committee bill. Groups favoring the bill include many associations, as we have heard, representing State and local governments. Those opposed are nonprofit associations, environmentally oriented, nonprofit associations. State and local governments do not want to turn back the clock on environmental cleanup, and I think that is implicit perhaps in some of the dialogue we have heard today that somehow the States and local governments cannot be trusted, that they are going to insidiously subvert all the efforts made over the years to clean up, but State and local governments merely want a greater voice in devising cost-effective solutions.

□ 1615

Mr. Chairman, I would urge opposition to the substitute amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. CLINGER] has expired.

(At the request of Mr. BOEHLERT and by unanimous consent, Mr. CLINGER was allowed to proceed for 2 additional minutes.)

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. Mr. Chairman, I say to the gentleman thank you for the time. Let me complete my statement, and then I'll be happy to yield.

I would just stress that we think it is of interest. I think that for the first time we are really going to have some consideration for what are the compliance costs, what does it cost to carry out the number of the mandates that we have had in the past, but I think that the environmental community, which has never shown too much concern or interest in, frankly, what the costs that we have imposed on the communities would be, I think would still rather straitjacket small communities insisting that they adhere to a national prescribed program specifically detailing in detail precisely how each community must meet the requirements without with regard to the financial consequences borne by the rate of players, and for that reason I would again oppose the amendment.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, my colleague points out that the bill will not turn back the clock. I would point out that the bill, as reported by the Committee, would repeal the storm water section. The bill would repeal the coastal zone section.

I would also point out that we recognize that there are a number of provisions in existing law that need to be addressed and some changes need to be made. That is why the Saxton-Boehlert-Roemer substitute has 70 percent of the language identical to the committee bill, because we do recognize some changes are in order. But we want to do it in a commonsense way, not just throw out everything in the name of flexibility, and I could not agree more with the gentleman, that we do want to give the Governors more responsibility. That is why our section on wetlands totally embraces the proposal advanced by the National Governors Association. That is why our section dealing with coastal zone management totally embraces the language advanced by the Coastal States Organization which represents 30 States and 30 Governors.

Mr. BORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to express my support for the substitute offered by the gentleman from New Jersey.

I congratulate the gentleman from New Jersey [Mr. SAXTON], the gentleman from New York [Mr. BOEHLERT], and the gentleman from Indiana [Mr. ROEMER] for their work on this substitute which gives the members of this House a true choice.

The substitute makes practical and commonsense changes to the Clean Water Act while maintaining environmental protection.

H.R. 961 reverses 20 years of environmental progress.

The committee bill simply rolls back the Clean Water Act with waiver piled on top of exemption piled on top of loophole.

H.R. 961 would stop the cleanup that has taken place for 2 decades. It would not maintain current national water standards.

The committee bill has one purpose and one purpose only—to allow more pollution in our Nation's rivers, lakes and streams.

H.R. 961 weakens the requirements for industry to treat its discharges.

The bill provides far too many chances for local governments to discharge sewage that has not received secondary treatment.

It is waiver after waiver, loophole after loophole.

On top of that, the bill removes protection for 60 to 80 percent of the Nation's wetlands simply by ignoring the scientific evidence and redefining wetlands.

The authors of this bill couldn't even wait for the National Academy of Sciences to finish its study of wetlands which was released yesterday.

H.R. 961 simply tells us what a wetland is, regardless of the scientific evidence. Next, it will tell us the world is flat.

H.R. 961 also rejects the advice of the Coastal States Organization and repeals the Coastal Nonpoint Pollution Program—the one effective non-point pollution program we have.

The substitute has none of the weakening provisions of the committee bill.

It does provide needed flexibility in changes in the State Revolving Loan Fund Program.

It makes the changes in the Coastal Nonpoint Program that were requested by the Coastal States Organization.

It proposes language on wetlands and watersheds requested by the National Governors' Association with additional changes—changes that were included in H.R. 961—to help the Nation's farmers.

This substitute will restore reason and common sense to this process.

The substitute will make many of the changes that are needed in the Clean Water Program.

What it will not do is roll back clean water standards.

For anyone who wants to continue an effective Clean Water Program, this substitute should be your choice.

I urge support of the Boehlert-Roemer-Saxton substitute.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on behalf of business, and industry and farmers in Upstate New York where I come from, I rise in the strongest possible opposition to the Boehlert amendment.

As my colleagues know, a strange thing happened back in 1974. It was the year of Watergate.

Now, Mr. Chairman, there was a big turnover in the House, and a lot of people were elected. They, unfortunately, were not businessmen. For the most part they were lawyers. There is nothing bad about lawyers, but most of them were lawyers, or professors, or professional politicians or bureaucrats.

They came in, and they took over this place, and they proceeded over the next 5 or 6 years to ramrod through legislation, as my colleagues know, creating the Department of Education, the Department of Energy, and vastly expanding the Environmental Protection Agency, the Army Corps of Engineers, and they brought the economy in this country to a standstill.

In upstate New York, Mr. Chairman, our people have been persecuted by these regulations. We are the most overtaxed, overregulated State in the Nation, and today they are about to get a little relief. I was sitting in my office because we do not have a Committee on Rules meeting today, which normally I spend all day there, and have to come back at 8 o'clock at night and work for 4 or 5 hours to get caught up. But today I was going to get caught up during the daytime, and I heard a lot of these people, still here from maybe that Watergate class of 1974, but a lot of later ones, too, coming from New York City, some of them, a lot of the metropolitan areas. They are talking about the dirty polluters and how this Boehlert amendment is going to stick it back to them again. We are not going to put up with those dirty polluters, they say.

Mr. Chairman, let me just read briefly this letter from these dirty polluters. They are my constituents.

The New York State Corn Growers Association, some of the most admirable people in America, the Dairy League Cooperative, New York Farm Bureau, the New York State Grange; these are people who have volunteered their lives for their communities, not only in military service, but in Little League and Boy Scouts. These are the dirty polluters. As my colleagues know, I could go on and read all of these names from all of these organizations, but they oppose the Boehlert amendment because they want change. They want to be treated like decent human beings, and they have not been for a long time now. When Ronald Reagan came into office, he could not change things back then because all the laws were in place. We could not change these laws because this House was controlled by the far left. We lost in 1974, lost a lot of good Democrats, too. As you know, we had a lot of good conservative Democrats controlling committees in those days. Now they are all gone, and all we had left in control before last November was the far left of the Democratic Party which would not allow us to make these changes. We could not put through risk assessment and cost-benefit analysis for regulations. We could not pass a balanced budget amendment and line item veto because we could not even get it on the floor of this House.

Well, we have our chance today to make vital correction, and that is why we need to defeat the Boehlert amendment, and we need to pass the committee reported legislation which is supported by all of these people.

Mr. Chairman, I insert for the RECORD letters in support of the original legislation and against my good friend's amendment:

MAY 10, 1995.

Hon. BUD SHUSTER,
Chair, House Transportation and Infrastructure Committee, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Agriculture in the State of New York is alive and well. We are a leading producer of many fruits and vegetables, as well as being the nation's third leading dairy state. Once concern which crosses all commodity lines is the fate of the Clean Water Act. We have watched the debate in the House Transportation and Infrastructure Committee with interest. After careful review, we, the undersigned representing all facets of production agriculture and agribusiness in the Empire State, fully support the provisions of H.R. 961.

This bill embraces a spirit of bipartisan cooperation much like we have seen develop in New York to address non-point source water pollution. Voluntary, incentive based programs which are watershed specific will be successful if given the opportunity. Also included in this bill is an improved wetlands definition. It assures the farmer gets fair and prompt wetlands decisions and compensation when regulatory decisions devalue property.

Thank you for your leadership in bringing this bill to the floor for a scheduled vote May 12th. Again, we support H.R. 961 in its current form and do not support attempts by any member of congress to make significant modifications.

Sincerely,

Agway, Inc., Stephen Hoefer, Vice President; NYS Corn Growers, James Czub, President; Dairylea Cooperative, Inc., Clyde Rutherford, President; New York Farm Bureau, John Lincoln, President; New York State Grange, William Benson, Master; Empire Farm Credit, Robert Egerton Jr., President and Chief Executive Officer; Pioneer Farm Credit, William Lipinski, President and Chief Executive Officer; Farm Credit of Western New York, Robert Kesler, President and Chief Executive Officer; Milk Marketing, Inc., Eastern Region, Joseph C. Mathis, Assistant General Manager.

THE AMERICAN FARM BUREAU FEDERATION,
Washington, DC, May 4, 1994.

Hon. NEIL ABERCROMBIE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN ABERCROMBIE: The American Farm Bureau Federation wants to reiterate our strong support for H.R. 961 as reported from the Committee on Transportation and Infrastructure. This bill strengthens efforts to address our remaining water quality problems and establishes a much needed common-sense approach to wetland regulation.

We are strongly opposed to the Boehlert-Shays-Saxton substitute and any similar amendments that would roll back the bipartisan and popularly backed wetland reforms contained in this bill. Such amendments would perpetuate the current bureaucratic and regulatory maze that has burdened agriculture and many other segments of society for years.

We consider the defeat of these hostile amendments to H.R. 961 to be key votes of the highest priority for farmers and ranchers.

We appreciate your support and commitment to the long-sought reforms contained in this important legislation.

DEAN R. KLECKNER,
President.

MAY 3, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The undersigned agricultural, agribusiness and soil and water conservation organizations wish to express our strong support for H.R. 961, The Clean Water Amendments of 1995, approved by the House Transportation and Infrastructure Committee on April 6, 1995. Our Community of interests has a direct investment in protecting water quality. Under your able leadership, H.R. 961 was passed with strong bipartisan support, 42–16. We are urging your colleagues to vote in favor of H.R. 961 when it is considered by the full House beginning May 10.

This bill strengthens efforts to ensure clean water and to address remaining water quality problems by stressing state and local leadership, as well as voluntary, incentive-based solutions to nonpoint source, stormwater and watershed planning. The top-down, command and control methods of the last twenty-five years do not hold the solutions to our nation's remaining water quality problems. We commend Chairman Shuster and the bipartisan supporters of H.R. 961 for their leadership and consensus building process in advancing a more workable and constructive approach to achieving water quality success. These reforms help agriculture and rural communities achieve clean water goals without putting them out of business.

H.R. 961 is a reasonable and cost-effective approach to addressing water quality challenges. The bill provides common sense water quality policies based on a prioritized, risk-based strategy. It establishes clear goals for nonpoint source pollution for the first time and empowers states to establish partnerships with private landowners to address impaired waters through more flexible and cost-effective means. The legislation strengthens the nonpoint source program and encourages watershed planning through voluntary incentives, not federal mandates.

The bill also provides new resources to States for carrying out their Clean Water Act responsibilities. Major increases in funding for nonpoint source, state revolving funds, and other programs are necessary steps in continuing our efforts to improve water quality.

H.R. 961 also contains positive tools to help the agricultural community meet its water quality responsibilities. The bill provides incentives to individuals to implement site-specific water quality management plans. This legislation also includes significant wetlands policy reforms that are extremely important to agriculture. Written into the bill is an improved wetlands definition. The bill gives sole authority to the Secretary of Agriculture to delineate wetlands on agricultural lands. H.R. 961 assures the regulated community gets fair and prompt wetland decisions and compensation for landowners when regulatory decisions devalue property, consistent with the House-passed property rights legislation.

Again, we thank you for your strong leadership on this important legislation. H.R. 961 reflects water quality policy principles our organizations adopted by consensus well over a year ago. These principles, and the related provisions found in H.R. 961, will provide farmers the opportunity they desire to help

address our nation's remaining water quality problems. The attached provides additional points on H.R. 961 from our perspective.

Sincerely,

AgriBank, FCB; Agricultural Retailers Association; Agway, Inc.; American Association of Nurserymen; American Crop Protection Association; American Crystal Sugar Company; American Farm Bureau Federation; American Feed Industry Association; American Sheep Industry Association; American Soybean Association; Apricot Producers of California; CENEX, Inc.; CF Industries, Inc.; ConAgra, Inc.; Countrymark Cooperative, Inc.; Egg Association of America; Equipment Manufacturers Institute; Farm Credit Bank of Wichita; Farmland Industries, Inc.; International Apple Institute; Maine Potato Growers, Inc.; MBG Marketing; MFA Incorporated; Milk Marketing Inc.; Minnesota Association of Cooperatives; National Association of State Departments of Agriculture; National Association of Wheat Growers; National Barley Growers Association; National Broiler Council; National Cattlemen's Association; National Corn Growers Association; National Council of Farmer Cooperatives; National Grain and Feed Association; National Grange; National Milk Producers Federation; National Potato Council; National Pork Producers Council; National Turkey Federation; National Water Resources Association; Riceland Foods, Inc.; Southern States Cooperative, Inc.; The Agricultural Council of California; The Fertilizer Institute; Tree Top Inc.; USA Rice Federation.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from New York, my very good friend.

Mr. BOEHLERT. I want my colleague to know that I am just as sensitive as he is to the plight of America's farmers. That is why, as the chairman of the northeast ag caucus, I have worked for 10 years to protect the interests of the farmers. That is why our bill includes, our substitute, not just BOEHLERT's, SAXTON and ROEMER, the same exemptions for agriculture as does the committee bill. That is why we have added in committee a $500 million provision per year for nonpoint-source pollution, because our farmers are sick of sanctimonious sermons. They want some assistance. They are responsible stewards of our land but they need some assistance as they deal with best management practices and the type of thing that they need to have to get on with the job because they are responsible stewards.

Mr. SOLOMON. Reclaiming my time, that is enough. Reclaiming my time, the gentleman's heart is in the right place, his legislation is in the wrong place. That is why all the dairy farmers and the apple growers oppose the gentleman's legislation and support the position of the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I want to make the point that, if this is so good for the farmers, why are the farmers all opposed to it?

Mr. SOLOMON. They are not just opposed, they are vehemently opposed, and they want this legislation to pass.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

It has already been stated, but let me make it clear again. This amendment deletes property rights compensation from the bill.

I will say it again. It deletes property rights compensation from the bill, so that whatever one believe about wetlands management and wetlands regulation, if they believe that people ought to be compensated when their property is taken because of a wetlands regulation, they ought not vote for this amendment. This deletes it.

Second, it deletes risk assessment cost-benefit analysis. Many of you voted for this principle on the House floor in days gone by.

I say to my colleagues, if you believe in that principle, why would you support an amendment that deletes it from wetlands management and wetlands regulation? Little inconsistent, I would suggest. But let me give you some other reasons why you ought to oppose this amendment.

This amendment, unlike the original bill, literally takes the science academy scientific definition of wetlands and makes it the regulatory definition. I say to my colleagues, now, if you read the academy report, the academy report said this is how we think you ought to scientifically define wetlands, but how you ought to regulate them, which ones you ought to regulate and how in the public policy, is a political decision we can't make. You need a referenced decision. Here is one. Here is the definition, but then you decide on policy on how to regulate.

This bill will in fact mandate that the manuals adopt the scientific definition which, by the way, is the current kind of definition that is causing the problem in America today, definitions that talk about hydrology and vegetation and sometimes have very little to do with the real functional aspects of the wetland that is to be regulated.

Third, this bill not only does not compensate someone when the Government regulates your property away. This amendment says that you will mandatorily be required to mitigate in all cases where permits are granted and wetland functions are disturbed. In effect this bill mandates that in every permit given in this regulatory regime set up under this massive new Federal coordinating agency, that in every case the landowner is not only not going to be compensated for the taking of his property, he is going to have to pay for the privilege of being regulated and, in fact, lose the use of this property in every case where a permit is granted.

Imagine that. Not only does this amendment destroy the property rights provisions that my colleagues, and I, and 72 Democrats and almost all the Republicans joined in supporting just in the last hundred days, but it turns it on its head and says that:

> If you're granted a permit, not only will we not compensate you for any loss of value that may be a part of the limitation under that permit, but you're going to have to compensate the government and the public at large for the fact that you've been granted a permit.

Now the amendment goes on. It is even worse. When it defines what is a fill of a wetlands, this really gets good. The definition of a fill of a wetland now includes under this amendment the cutting of vegetation, cutting the grass. Cutting the grass on a lot that they are going to describe as a wetland is now filling a wetland under this definition.

□ 1630

Protecting the vegetation now becomes a part of this wetlands protection program. You think you have problems with the Corps of Engineers today? You think you have problems with the EPA today, who works in cooperation with the environmental groups who support this amendment, going so far as to send them information that is confidential and illegally distributed, as I demonstrated on the House floor last night? You think you got problems with an agency out of control like that? Wait until you see an agency with the power to say we can regulate your grass cutting in America. We are going to go that far. That is the kind of amendment you fellows want to support on this side. That is the kind of amendment you want to support on this side.

Shame on you. If you think you have problems with regulations today, imagine, envision a situation where the scientists, not policymakers, not the Congress, the scientists say what is a wetland, what is going to get regulated. If you get a permit, you have to pay the Government for getting that permit. You do not get compensated for the loss of your property. And if you dare cut your grass without a permit, look out. That is a filling of a wetland under this definition.

This amendment creates a whole new regulatory authority to monitor all decisions, to coordinate not only wetlands regulations, but all flood control, all water management decisions, on a State and local and regional basis, and it creates it under authority that, as I pointed out to you, destroys property rights.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

Mr. TAUZIN. Mr. Chairman, it destroys property rights provisions, eliminates risk assessment cost-benefit analysis, turns it on its head, and forces you to pay the Government to

get regulated. What a beautiful amendment. Anybody that votes for this better not go home.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I would like to ask the gentleman, I agree that scientists and researchers should not dictate policy for the United States. But if we are going to make policy, we ought to know what the scientists say what a wetland is.

Mr. TAUZIN. Mr. Chairman, reclaiming my time, the scientists in the study told us what they think a wetland is. Read the report carefully. This is a reference definition. We are not telling you to regulate all the wetlands.

Mr. GILCHREST. The scientists recommended we go on a region-by-region basis. Your bill does not do that.

Mr. TAUZIN. Let me complete the answer, please. The academy said this is a reference decision, a scientific decision. We are not telling you you ought to regulate all these wetlands. Your amendment says regulate all them if they meet the reference definition criteria. This amendment ought to be defeated.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I certainly rise in strong support of the substitute amendment. I might just say in comment to that last interchange, I would suggest that we are not here today to pass a know-nothing piece of legislation. We should be here today passing legislation based on the 20 years of experience, more than 20 years of experience, that we have had, so that we can look at the successes of the past 20 years and correct the errors of the past.

I believe that is exactly what the Saxton-Boehlert-Roemer substitute does. It takes the best of both worlds. It does not say we are going to take two steps backwards instead of two steps forward. That is exactly why I am supporting it today. We must strive to maintain those aspects of the law that have proved clearly successful over the past 20 years and apply what we have learned in 20 years to the present situation. That is exactly the merit of this particular legislation.

With or without the dispute about what the National Academy of Sciences does or does not do, I think the best of the National Academy of Sciences wisdom is incorporated in this amendment and used to supplement it.

I also want to point out from the point of view of the State of New Jersey, but I think New Jersey's experience and concerns are equal in many other States, I want to point out that this is a very serious issue in the State of New Jersey, particularly the State which is the most densely populated State in the Nation and is clearly a coastal State. I think the committee bill proposes a much narrower definition of wetlands, and consequently large tracts of valuable wetlands will lose their protection in the State of New Jersey.

As has already been documented by my colleague, the gentleman from New Jersey [Mr. SAXTON], upwards of 80 percent of existing wetlands in New Jersey would face a changed status, and this would have a very serious detrimental effect on the quality of life and the drinking water quality for all of our citizens. The gentleman has laid that out for us.

It seems appropriate to me that we should take the advice of the experience of the last 20 years and apply it.

Second, as the gentleman from New Jersey [Mr. SAXTON] also carefully documented in his opening statements, the committee bill's language regarding nonpoint source pollution represents a dramatic change in existing policy that a coastal State like New Jersey simply cannot afford to endure.

These changes would bring significant negative economic impacts not only to New Jersey, but those negative impacts would apply to all coastal States. I suggest that my colleagues pay close attention to the problems of the Coastal Zone Management Act that Mr. SAXTON has already pointed out.

Third, the committee bill section on dredging is of some great concern to those of us in New Jersey, as I know it is to Representatives of other adjoining States. Although I know that some of our New Jersey people have been working on adjustments in the committee print, or the mark, on that subject, it is my understanding they are grossly inadequate to the standards that we want to see maintained in New Jersey.

In conclusion, I simply want to again endorse strongly this substitute amendment that we have before us.

Mr. Chairman, I rise in support of the Saxton-Boehlert-Roemer substitute amendment to H.R. 961, the Clean Water Acts Amendments of 1995.

Given that it is now more than 20 years after the original Clean Water Act was written, we must modify and improve this pivotal environmental law based on our experience and the documented successes of the period.

Mr. Chairman, this must not be a one step forward/two steps back exercise.

In updating the Clean Water Act, the Congress should strive to fix shortcomings of the existing program, without jeopardizing the progress that the United States has made in cleaning-up our water supply, at the same time we strive to maintain those aspects of this law that have clearly been successful. And that is what the Saxton-Boehlert-Roemer amendment does.

After reviewing the Public Works and Infrastructure Committee's version of H.R. 961, and consulting with the State of New Jersey's Department of Environmental Protection [DEP], I cannot supports its passage, in its present form.

In several areas, this legislation poses a serious threat to the State of New Jersey and its own efforts to carefully manage our water supply and environment.

First, the committee bill is proposing a new, much narrower definition of ''wetlands''. Consequently, large tracts of valuable wetlands will lose their protection, and could be vulnerable to development. According to some estimates, upwards of 80 percent of the existing wetlands in New Jersey would face a change in status under the committee's new language. And this in New Jersey the most densely populated State in the Nation which means that this would have a negative detrimental effect on the drinking water quality of our citizens.

On the other hand, the Saxton-Boehlert-Roemer alternative uses the definition of wetlands being proposed by the National Academy of Sciences which studied this issue exhaustively, and just released its recommendations to the Congress yesterday.

It seems appropriate to me that, on issues of considerable controversy and complexity, such as wetlands policy, the Congress can, and should, defer to nonpartisan scientific recommendations such as these.

Second, as my colleague, from New Jersey, Representative SAXTON, has documented the committee bill's language regarding nonpoint source pollution represents a dramatic change in existing policy that a coastal State like New Jersey simply cannot afford to endure. The committee bill, for example, repeals current requirements on States to implement aggressive programs to contain run-off from farms, land-use or cities. These changes would bring significant negative economic impact.

The Saxton-Boehlert-Roemer alternative contains language that basically reauthorizes the current Coastal Zone Management Act, which has worked well in helping States like New Jersey address the serious problems associated with run-off. This is of significant economic importance to New Jersey and to all coastal States.

Third, the committee bill's section on dredging is of some concern to the State of New Jersey. I know that some of my colleagues from New Jersey have been working with the committee on this portion of the bill, but I understand that our State remains concerned about how the committee bill's language would impact on its dredging program.

Before concluding, I would also note that while the Saxton-Boehlert-Roemer substitute differs from the committee bill in these specific respects, it has retained large segments of H.R. 961. For example, titles I, II, V, VI, Vii of the alternative are identical to the committee's proposal.

In conclusion, I will be supporting the Saxton-Boehlert alternative and urge all of my colleagues in the House to join me in working together to protect our water supply and environment, while providing State and local officials with some much-needed flexibility in doing so.

Mr. ROEMER. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I do not see the gentleman from Louisiana on the floor, but I did want to just briefly respond to a little bit of what the gentleman was saying.

In our substitute on page 130 there are exemptions on the wetlands and activities that do not require the permits, and in general this section reads:

(A) . . . Activities are exempt from the requirements of this section and are not prohibited or otherwise subject to regulation under this section . . . if . . . (i) result from normal farming, silviculture, aquaculture, and ranching activities and practices, including but not limited to plowing, seeding, cultivating, haying, grazing, normal maintenance activities, minor drainage, burning of vegetables in connection with such activities, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices . . .

We are not trying to say what will take place when somebody cuts some grass. We are exempting many of these things. There are these exemptions on the permits.

Mrs. ROUKEMA. I know. The scare tactics do not hold up under close examination.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the substitute. Of course, I want to commend Mr. SAXTON and the other cosponsors of this substitute. I think it is important Mr. SAXTON mentioned in the beginning that this substitute adopts 75 percent of the draft of the gentleman from Pennsylvania, Mr. SHUSTER.

So those who think that somehow the substitute is a radical document that is significantly changing the bill are wrong. But the substitute does make four major changes in four major areas to the substitute that I think are necessary in order to protect the Nation's water quality.

With regard to wetlands, if I could go through the four, with regard to wetlands, it is a significant change for the better. As was mentioned, the bill itself classifies wetlands and specifically provides the takings language that has been looked at in this House before. I would submit that by doing the classification in the bill, you eliminate a significant amount of the Nation's wetlands, as well as wetlands in New Jersey, from any kind of supervision or any kind of regulatory process, and essentially you gut some of the wetlands protection that exists under the Clean Water Act.

The substitute by contrast does not include the classification system, does not include the takings language, and actually encourages States to get more involved in wetlands protection and taking over Federal regulatory authority.

Some of you know, I think, in our own State of New Jersey the Federal Government has actually approved New Jersey's wetlands program. This substitute would encourage that kind of delegation to the State and in effect encourages moving away from Federal regulatory control.

With regard to the nonpoint source pollution under the Coastal Zone Management Act and storm water discharge, in both cases the existing statute provides for mandatory program and States are moving in the direction of providing adequate nonpoint source pollution programs, also storm water discharge programs.

This bill that we have before us today would change the existing law and move essentially towards a voluntary system. A voluntary system will not work. Some States will adopt it and other States will not. We will not have a consistent program around the country to protect against nonpoint source and storm water discharges.

Last, Mr. Chairman, I would like to talk about the dredging provisions, because they are important. The bill right now changes the current Clean Water Act by essentially taking EPA out of the role of dealing with dredging of contaminated materials and disposal of contaminated dredge materials. I think that is wrong.

Essentially what the committee bill, or the committee mark does is to say that the Army Corps can provide and decide when contaminated dredge materials will be disposed, where they will be disposed, and also allows the Army Corps to provide for waivers against the very criteria that the corps might establish for disposal of contaminated dredge material. I think that that is wrong.

The EPA is our Environmental Protection Agency. The EPA should be involved in deciding whether or not we are going to have sites for disposal of contaminated dredge materials and where those should be and when it should be permitted and certainly when those waivers should be granted.

If you look at this substitute, it really makes some significant changes in these four areas, which are vital and increasingly more important to preserving our Nation's water quality, because as we know, the point source pollution increasingly has been dealt with. Our Clean Water Act has dealt with point source pollution, and we have made significant progress on that.

When you talk about wetlands preservation, nonpoint source, storm water discharge, these are the areas over the next 5 or 10 years where we need to make significant progress on trying to improve the Nation's water quality. If we move toward a voluntary system and get our EPA out of the process, if we declassify wetlands so that much of the wetlands of the Nation is no longer provided or included under any permit program, we are not going to see the goals of fishable and swimmable waters under the Clean Water Act met over the next decade or the next 20 years.

So I wanted to say how important I think it is for all of us to support this substitute. It is a bipartisan substitute, and the sponsors have really crafted some excellent legislation.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition this afternoon to this substitute that has been offered. Basically, I have one reason for opposing this substitute, and that is because it only destroys all the work and effort that I have tried to bring to this Congress in the area of using cost-benefit analysis and risk assessment.

I think if we take a minute and look back and reflect on the last election, you had the people of this country making a statement, and that statement that they made was a very clear statement that they did not want business as usual in the House of Representatives; that they did not want regulation as usual in the Congress of the United States or in its agencies. What they wanted was a change, a different approach.

You know, last year on the floor of the House of Representatives, and I served in this House and I will tell you it was run under a rather oppressive regime, because I tried to bring up cost-benefit analysis on the floor and it was denied, and it was denied in committee to give cost-benefit analysis and risk assessment an opportunity, it was denied in the Committee on Rules upstairs to give this an opportunity. We brought the issue before the House on February 2, and what happened? The entire House rebelled because we had an opportunity to bring up the question of cost-benefit analysis and risk assessment and applying it to regulations and to the biggest regulatory agency in the Federal Government, the Environmental Protection Agency.

□ 1645

And this entire House of Representatives, bucking the Vice President of the United States, bucking the Speaker of the House, bucking the committee chairman, bucking the House leadership, came out there and voted down that rule. That was the beginning of the change. It was the beginning when people started to say, Let us make some common sense out of the way this Congress and this Government imposes regulations on its citizens.

This substitute wipes out risk assessment, cost-benefit analysis. So what are we doing here? What progress have we made? Are we prepared to set back the clock on regulatory reform? And then under the Contract With America, the Members came out here, bipartisan, and the vote was, what, 1286 to 141. And if my math is correct, that is a bipartisan vote. They supported the cost-benefit analysis provisions and risk assessment provisions that are in this legislation.

So are we prepared this afternoon and in this legislation to wipe out all our progress, to say regulatory reform that the people have demanded and this Congress has demanded and the Members have voted on, is it time to wipe that out?

So there is only one problem with this bill. It wipes out everything we have done. It wipes out regulatory reform. It wipes out cost-benefit analysis.

Let me tell you what else it wipes out. I want to tell you, the other day I went to a grocery store and I met a gentleman. His name, I think, was Chuck. He was working behind the counter and I was buying a few items.

And Chuck said, ''You are my Congressman. Mr. MICA, I want to tell you, you all are doing a good job.''

I said, ''Do you have any message? What would you like to see us do?''

He said, ''Mr. MICA, there is just one thing I would like to see the Congress do.'' He says, ''Use common sense.''

That is what this legislation proposes, common sense, that we look at the costs, that we look at the benefit and we use risk assessment.

This amendment wipes all that out. It wipes out the hope of that gentleman, hundreds and thousands of Americans who sent to the polls and said, there needs to be a change in the conduct and the way this Government conducts its business.

So we have an opportunity. We are not going to throw out regulations. This bill does not throw out any regulations. It does not destroy the environment. It does not harm the environment. It does not do anything bad.

What it does is says, let us look at the costs. Let us look at the risks. Let us look at the benefits. Yes, indeed, my colleagues, we have had years to look at this. We have seen every county, every city, every State has said, let us make a change. They support the change that is advocated on a bipartisan basis by our committee.

So we can come out here and we can vote to set the clock back. We can return to the time of yesterday when we overregulated, when we put people out of jobs, when we put people out of business, when we lost our competitiveness stance, or we can make some progress and we can pass this legislation as it is proposed, without accepting this substitute, without going back and without destroying the progress that this Congress has made, both in the Contract With America and in every successive vote on the question of cost-benefit analysis and risk assessment.

There is only one thing wrong with this amendment and this proposal and this substitute. In fact, it destroys everything that we stand for as far as this Congress, everything we voted for, the 286 Members who supported regulatory reform, the successive votes that we have had in this Congress and the will of the American people.

I urge my colleagues to defeat this substitute, to enact the bill without changes, that we have a bipartisan agreement, that we have cities, counties, States, local government, associations and a broad base of support for what we are trying to do. And what we are trying to do is to do one thing, and that is what Chuck asked us to do, bring common sense to this process.

The CHAIRMAN. For the Members' understanding, this Chair will follow the precedent that members of the committee receive priority recognition and will go in that order.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly must oppose the substitute to H.R. 961 offered by Mr. SAXTON and Mr. BOEHLERT—two Members of Congress who are dedicated and sincere in their efforts and support for clean water programs.

Many of the provisions in the substitute are laudable and certainly deserve support. It is what is not in the amendment which is the problem. Unfortunately, many of the provisions of H.R. 961 which I believe make meaningful and significant reforms to the Clean Water Act are not included in this substitute.

For example, this substitute does not contain the stormwater program reforms which are found in section 322 of H.R. 961.

There is little dispute that the current stormwater permitting program simply does not work and hasn't since the day it was enacted. H.R. 961 corrects this problem by treating stormwater runoff as runoff—and not trying to regulate discharges through cumbersome and confusing permits. Instead, States will have a variety of tools—including site specific permits if necessary—which can be used to fashion a program that will be more effective and cover more facilities than is possible under the current program.

The stormwater provisions in H.R. 961 were developed with the close cooperation and consultation of the States and cities which are, after all, responsible for implementing the program. They support this new approach to stormwater control.

Let me also briefly mention one other area which has generated a lot of discussion over the past few weeks—that is the repeal of section 6217 of the Coastal Zone Act Reauthorization Amendments and the incorporation of certain successful elements of that coastal program into the nonpoint source program.

Over the past several years, I have spent many hours listening to various officials from my State of Wisconsin expressing their concerns about this program. In fact, Wisconsin may even pull out of the program because they just don't think it is worth it.

The Wisconsin Department of Natural Resources supports the repeal of section 6217. The secretary of the department sent a letter to me a few weeks ago which includes this statement about H.R. 961:

> We also support the elimination of the coastal non-point pollution control program contained in Section 6217 * * *. With the provisions proposed to be added to Section 319 to provide for protection of coastal waters, Section 6217 is no longer needed. We favor having one non-point source management program in Wisconsin that provides for the achievement of water quality goals in all the waters of the State, including coastal areas.

Again, while I applaud the intentions and sincerity of the sponsors of this substitute, I do not believe their amendment is preferable to the overall approach of H.R. 961, and so I must urge defeat of this amendment.

Mr. TUCKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thought long and hard about this bill that we have before us here today. I have been a member of the committee with jurisdiction over this bill for the last 3 years. I have been a Member of this body. I have seen up close the difference between this bill and the one in the last Congress, the 103d Congress. I know there are a lot of concerns over the issues of nonpoint source pollution, storm water management, wetlands and risk assessment and cost-benefit analyses.

I have heard the complaints from witnesses who have testified in committee hearings. What I am hearing from people across the country, Mr. Chairman, from farmers as well as from business men and women is that the frustration level has reached a peak.

I commend the efforts the present chairman has made, the gentleman from Pennsylvania [Mr. SHUSTER], in addressing many of these issues and many of these problems in his Clean Water Act. I thank him for the good job he is trying to do in trying to bring together many diverging points of view. However, in the final analysis, I submit that it comes down to one thing and one thing only in mind. And that is, does this bill make our water cleaner or not?

On closer examination of this bill, Mr. Chairman, I am compelled to oppose the bill and to support the substitute. Our Nation's rivers, lakes and coastal waters have become cleaner and more fishable and swimmable since the enactment of the Clean Water Act in 1972. That is 23 years of progress toward a better environment for our future, our children's future.

I have heard time and again from my colleagues on the other side of the aisle that we must fight to reduce the budget deficit so that we do not place a financial burden on our children's future or, as it has been commonly coined, so that we do not mortgage our children's future. I think it is equally important to leave a world that is environmentally secure so that we do not give away our children's future.

I think that is imperative. It is imperative that we fix the provisions of this act that have not worked well, but that does not mean reducing standards that have made our waters cleaner. The Saxton-Boehlert-Roemer substitute amendment takes this approach. This substitute is a reasoned approach, fixing the Clean Water Act. It addresses the wetlands issue without putting real wetlands at risk. It is silent on the issue of risk assessment, cost-benefit analysis, contrary to what some of my colleagues would have you believe.

It allows more input at the State and local level regarding decisions on development of wetlands. The substitute provides more flexibility for States under the Coastal Zone Management Act. The substitute would not take away standards needed to keep our fisheries and oyster beds in good health, and it reduces the loopholes and exemptions that allow the release of pollutants into our waterways. There would be a 10-year moratorium on the implementation of any new storm water requirements on smaller communities and light industry, and it provides the much-needed funds to farmers and others who are working hard to control nonpoint source pollution.

Mr. Chairman, in light of all the circumstances surrounding this substitute, I simply wanted to urge a vote for this moderate and what I believe to be a well-reasoned approach, safeguarding our Nation's waterways. A vote for the Saxton-Boehlert-Roemer substitute to H.R. 961 is a vote for safeguarding the clean water of our children, the children who deserve a clean future.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. I yield to the gentleman from New Jersey.

Mr. SAXTON. I would just like to commend the gentleman on his very thoughtful and fine statement and we appreciate very much the gentleman's support.

I would just say to the gentleman that he has correctly pointed out, just as we owe our children a legacy in terms of the finances and the way we spend our money today and the way we borrow our money today, we certainly owe our children a legacy in terms of the world and the physical condition that we leave it. I appreciate very much the support of the gentleman.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the alternative. I want to make some comments, first, about wetlands. We cannot preserve clean water. We cannot have fish, we cannot preserve waterfowl and we cannot limit flooding unless we have wetlands. I know the controversy about which wetlands to regulate and which wetlands not to regulate. But if the bill goes through the way it is, we will not have any wetlands to regulate.

□ 1700

Mr. Chairman, there are serious flaws in the lack of science, or the complete absence of science, in the evaluation on how to delineate a wetland. People have been talking about the loss of value to people's property. If we will look at this in a broad sense, the vast majority of people in the United States will have their property value increased as a result of a carefully crafted, well-managed wetlands program. I do not know whose property value would be diminished if we continue to have wetlands.

If Members will look at this map, this is the State of Maryland up here, and this is the Chesapeake Bay. The value of wetlands to the Chesapeake Bay and its watershed in this region that we see on the map is in the billions of dollars. What the wetlands do, they filter out pollution, they limit flooding, they provide habitat for waterfowl, they do a whole host of things that increase the value of people's property in the region of the Chesapeake Bay.

I want Members to look at something. I am going to turn the map upside down. This, as we notice, is the Chesapeake Bay. Here we are in Washington, DC, and this is the Potomac River. We have a lot of development around Washington, DC, and there is much limited development in these other areas, which means they soak up the nutrients, the toxins, the silt that the rain normally washes into the water. We can see we do not have that protection around Washington, DC.

If we look down here in Richmond, VA, nothing against these great communities, if we look in the vicinity of Richmond, VA, we also see the lack of protection, because of the lack of wetlands, and we see the silt going into the water.

Mr. Chairman, I am going to turn the map upside down. I want Members to imagine that this is a root that goes up to the trunk of a tree. When we have a root in the ground, the root absorbs nutrients. It absorbs anything that is in the ground, whether it is water, whether it is water inundated with nutrients, a whole variety of things.

If there is a tree in a wetland, this tree is going to absorb those nutrients before they go anywhere else, and preserve the quality of water where the tree happens to stand, and it could be a forested wetland, or it could be a wetland. If this is a tree, these nutrients that you see pouring into the Chesapeake Bay would not pour into the Chesapeake Bay. This diminishes, right now, because they are not being absorbed, the value of the Chesapeake Bay, and reduces its productivity.

One other comment I want to make about the bill. That is the pure lack of science that is in the delineation criteria for what is a wetland. Right now in the bill, in order for an area to be considered a wetland, it has to be saturated at the surface, that means water ponded on the surface for 21 consecutive days during the growing season, and it has to have hydric soil, and it has to have the wettest of obligate vegetation. That is like a cattail.

In this picture, this area is wet for 21 consecutive days during the growing season, it has hydric soil, but it does not have the third criteria which meets the provisions of the bill to be a wetland, obligate plant species. If that is not a wetland, even if that is wet for 40 days during the growing season, if it does not have that third criteria, it is not a wetland.

There is one other comment that I think is worth mentioning. This is a pond in Nebraska. This pond in Nebraska, and I will show it to the other side, in case they cannot see it there, this is a pond in Nebraska. What it does, it offers habitat for migrating waterfowl. This is not always wet for 21 consecutive days during the growing season, or has obligate wetland species. It has hydric soil. It could be, unfortunately, wet for 20 days during the growing season, 20 days right after the growing season, and even if it had the obligate wetland species, still would not be classified as a wetland.

When we are traveling long distances if we are going on a trip with the family, you have to stop some places. My kids like McDonald's and I like diners, but we generally have to stop to consume a little refreshment. If we lose these wetlands, we lose an awful lot of value to property, we lose a lot of value to this Nation.

The CHAIRMAN. the time of the gentleman from Maryland [Mr. GILCHREST] has expired.

(At the request of Mr. SHUSTER and by unanimous consent, Mr. GILCHREST was allowed to proceed for 2 additional minutes.)

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would ask the gentleman, is it true that under our bill, Maryland and Nebraska, the two examples the gentleman used, would be totally free to designate the two examples he gives as a wetland and regulate them as a wetland.

Mr. GILCHREST. Reclaiming my time, Mr. Chairman, it is my understanding that the States go by that. Since wetlands are regulated as waters of the United States, and they come under the Federal jurisdiction, the wetland delineation criteria is also used by the State.

Mr. SHUSTER. Mr. Chairman, I would respond to my friend that the law is very clear, and the technical staff tells me that in these examples, the State of Maryland or the State of New Jersey could regulate that land as a wetland under State regulations.

Mr. GILCHREST. Reclaiming my time, Mr. Chairman, even if that is true——

Mr. SHUSTER. It is.

Mr. GILCHREST. As the greatest legislative body in the world, which is the U.S. Congress, I think we should use the best scientific evidence available to determine the delineation criteria for a wetland, which is not the case in this bill now, and once we know the science, which is available to use now, we can make the policy. However, I think we are making policy in the absence of information.

Mr. SHUSTER. If the gentleman will yield further, I would say to my friend

what may well be good for Maryland, what Maryland under this bill is totally free to do, may not be good for Arizona or Utah. That is the very reason we say let the States make these decisions. I thank the gentleman.

Mr. GILCHREST. Mr. Chairman, I think the States should have the information that the National Academy of Sciences has to offer to us as Congress.

The CHAIRMAN. The time for the gentleman from Maryland [Mr. GILCHREST] has expired.

(At the request of Mr. SAXTON and by unanimous consent, Mr. GILCHREST was allowed to proceed for 1 additional minute.)

Mr. GILCHREST. Mr. Chairman, I would like to make one other comment on the compensation criteria, which people say is absent in this bill. We already passed a law to compensate landowners for wetlands and for the Endangered Species Act, so putting it into the Clean Water Act I think is totally unnecessary.

I do want to make a comment about compensation and the Fifth Amendment property rights. If your property is taken away for the public good, you are to be compensated. Everybody endorses that. However, if your property is, in my judgment, reasonably regulated to prevent pollution of your neighbor's property or to prevent public harm, compensation in this area is a whole other different story. Should we compensate people to prevent them from polluting? I do not think we should.

Mr. ROEMER. Mr. Chairman, will the gentleman yield on that point?

Mr. GILCHREST. I yield to the gentleman from Indiana.

Mr. ROEMER. I just want to clarify the position of many people who support the substitute, Mr. Chairman. First of all, on risk assessment, if the President signs the legislation, and the Senate passes that, I voted for this legislation that would apply to this bill, as the same with takings. Therefore, just because we do not put every new thing in there——

The CHAIRMAN. The time of the gentleman from Maryland [Mr. GILCHREST] has expired.

(At the request of Mr. ROEMER and by unanimous consent, Mr. GILCHREST was allowed to proceed for 1 additional minute.)

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, it is the strong position of many people who support this substitute that we support such ideas as cost-benefit analysis, risk assessments, and the takings. I was one of the 72 Democrats who voted for that legislation. I hope if those two pieces of legislation pass this body, that we apply both pieces of legislation to this bill and to this substitute, if it passes.

However, to hear other people argue on the floor of the House of Representatives that we have to attach this stuff to every single bill that comes through here would make the case, illogical as it might be, that we have to put the Balanced Budget amendment on every single piece of legislation that goes through here. That is simply not true. Many of us support those ideas and those reforms. I thank the gentleman.

Mr. GILCHREST. I thank the gentleman for his comments, and I urge a vote on the Saxton substitute.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support for the Boehlert-Saxton-Roemer substitute. This better, safer alternative represents a moderate, commonsense and bi-partisan—quite frankly, an above party—approach to cleaning up our rivers, lakes and beaches without turning our back on the health and safety of Americans—and it insures that my constituents in San Diego will not have to spend billions to build an unnecessary sewage plant.

Fortunately from a purely parochial viewpoint both H.R. 961 and this safer alternative provide regulatory relief for San Diego and recognizes that our current sewage treatment system adequately protects our ocean. Let me repeat, this means that both bills would remove the requirement that would force San Diego to waste billions of dollars to modify our sewage treatment system.

But with Dan Diego assured of regulatory relief and the savings of billions of dollars, we must also be sure that our drinking water is protected, and that we can fish and swim in San Diego's rivers, lakes and beaches.

Unfortunately, H.R. 961 will radically change the Nations' laws that protect our beaches and drinking water.

H.R. 961 would increase the dangers of pesticides and chemical contamination of our drinking water—imposing higher costs to clean up our drinking water or forcing all of us to buy bottled water. It would let large agribusiness and industrial polluters off the hook from preventing the contamination of our drinking water—and it would pass those costs along to all San Diegans. That right, we consumers will pay more to protect a few special interests.

San Diego gets its drinking water from the Colorado River. Many smaller cities from four States dump their treated sewage into the Colorado River, and before this water gets to San Diego, it must go through one of the largest agricultural areas in the country. Unlike the safer alternative. H.R. 961 would allow these cities and large agribusiness corporations to flood chemicals and other pollutants—at will—into our drinking water supply.

H.R. 961 also threatens our economy and our health. It includes the repeal of a section of the Coastal Zone Management Act—which will eliminate current protections for our beaches. How can we attract tourism if visitors cannot swim in our beaches? San Diego's beaches are already closed to often. Is this really the time to get rid of the very protections that help to keep the beaches safe for our families?

The safer alternative would not repeal the Coastal Zone Management Act program that protects our beaches. In fact, the substitute has adopted the language drafted by the Coastal States Organization, which represents the Governors of our Nation's coastal States, and continues to protect our beaches—for our children's health and for our economic health.

There are three critical questions that on behalf of San Diegans, I must ask about these bills: First, will we have clean water to drink? second, will we have a clean beach to swim at? and, third, will we get relief from the multibillion dollar secondary treatment boondoggle?

With the safer alternative the answers are: Yes to safe drinking water, yes to clean beaches, and yes to relief from higher sewage taxes.

Without the safer alternative the answers are no, no, and yes.

San Diego will get the regulatory relief it needs in either bill. But I cannot in good conscience support H.R. 961—a bill that purports to help San Diego on the one hand, but destroys the safety of our drinking water and beaches on the other.

San Diegans are asking three important questions. Let's not get one out of three right. Support the Boehlert-Saxton-Roemer substitute ''Safer Alternative'' and answer ''yes'' to all three.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, first it was school lunches, student loans, and Medicare. Now the Republican leadership has trained its sights on clean water.

As cochair of the Long Island Sound Caucus, I rise to support the Saxton-Boehlert-Roemer substitute. Unlike H.R. 961's sweeping, 326-page rollback of one our most effective environmental laws, the substitute recognizes that the battle for clean water has not yet been won.

Unlike H.R. 961, this proposal will not be a boon for polluters, and penalize anyone who bathes, swims, fishes, boats, or recreates in lakes, rivers, and oceans. Unlike H.R. 961, this substitute recognizes that if you allow polluters upstream to discharge more pollutions into the water—as H.R. 961 does—it's the people downstream who will ultimately get saddled with the bill to clean up the pollution.

As my constituents who live near Long Island Sound and the Hudson River know, all is not well with our rivers and bays. More than half of New York's rivers and 85 percent of its estuaries are closed to activities such as fishing and swimming at some time during the year. According to the most recent statistics available, New York's ocean beaches were closed completely on 93 occasions and more

than 700 advisories were issued against swimming. More than 400 fishing advisories were issued to protect the public from ingesting contaminated fish.

In New York and Connecticut, business, labor, and environmental groups have set aside old disagreements and joined together in developing—with the aid of the EPA—a plan to clean up Long Island Sound. None of this would have been possible without the underpinning of the Clean Water Act, and now is certainly not the time to pull the rug out from under their feet. If H.R. 961 is enacted, it will only cause more delay and more expense to move forward with environmental clean-up in my region.

The vast majority of New York's water quality problems are caused by nonpoint pollution—from sources other than factory or sewage discharges. And yet H.R. 961 repeals the only Federal program that can reduce nonpoint pollution. In fact, two-thirds of coastal States have invested millions of dollars over the past 4 years crafting runoff control programs that are nearly ready for approval under the auspices of the Clean Water Act. In keeping with the wishes of the coastal States themselves, the substitute preserves this important program.

The substitute also removes some of H.R. 961's more egregious rollbacks of environmental protection.

Across the Nation, swimming and fishing are not available to millions of Americans because of pollution that runs into waterways every time it rains. In fact, more than one-third of all our Nation's water quality impairment is the result of stormwater discharge. Yet, H.R. 961 repeals the entire EPA stormwater permitting system, thereby ending all monitoring and enforceable requirements for the 342 cities and 134,000 industrial facilities that currently have stormwater discharge permits. Thankfully, the substitute preserves the act's stormwater permitting program, while providing a 10-year moratorium on any new requirements for cities under 100,000 or small industries.

The substitute also repeals 961's disastrous wetlands classification system—adopting the National Governors Association's reasonable wetlands proposal instead.

Now is not the time to relax our efforts to ensure clean water. Estuaries like Long Island Sound—a $6 billion-a-year resource for the entire region's fishing, boating, and recreation industries—are at stake. I urge my colleagues to support the Boehlert-Saxton-Roemer substitute. Let's not turn back the clock.

The CHAIRMAN. The time of the gentleman from California [Mr. FILNER] has expired.

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent that the gentleman may have an additional 5 minutes.

The CHAIRMAN. The gentlewoman can seek her own time in due course. There are Members of the committee who have not had an opportunity to speak.

Mr. FILNER. Mr. Chairman, I ask unanimous consent to proceed for an additional 2 minutes.

Mr. SHUSTER. Mr. Chairman, I am constrained to object. There are Members of the committee who have not had a chance to speak yet.

The CHAIRMAN. The gentleman is correct. The Chair traditionally recognizes 1- or 2-minute extensions of time, with unanimous consent.

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentlewoman from new York?

There was no objection.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, debate here in the House of Representatives lends itself to some interesting concepts. I must say to my dear friend, the gentleman from Maryland [Mr. GILCHREST], that I have never quite thought of the Chesapeake Bay as a tree. However, now I am getting that concept into my head, and I want to respond simply by saying that I think the answer of the chairman of the committee was an appropriate one.

H.R. 961 is a good bill, and it will be a good law for the whole country. If individual States want to exact a higher standard, in accordance with the process that are available to them from State to State to State, they are at liberty to adopt that.

However, I rise in very strong opposition to the substitute.

□ 1715

For some reason proponents are billing this measure as 75 percent H.R. 961, as though that percentage justifies the substitute. Come on. The substitute guts the bill, and there is a big difference between the bill and the substitute.

The substitute fails to address any of the major themes of H.R. 961 dealing with regulatory reform, unfunded mandates relief, risk assessment, cost-benefit analysis, protection regarding private property takings, allowing States to demonstrate their ability in finding solutions to water quality issues, and wetlands policy. Instead, the substitute retains the current top-down, the ''bureaucracy knows best'' approach to solving the country's remaining water quality problems.

The Clean Water Amendments of 1995 provide for voluntary incentive-based programs in local, State, and Federal partnership to advance clean water goals with nonpoint source pollution. The substitute does not.

It also gives State and local officials the flexibility to manage and control stormwater like other forms of runoff, which helps reduce the high cost of unfunded mandates. The substitute does not.

Finally, it requires the Environmental Protection Agency to subject its mandates and regulations to risk assessment and cost-benefit analysis, and the substitute does not.

For the first time in a long time, we are successfully working together at all levels of government to meet our water quality needs. We do not need straitjackets to have clean drinking water, nor should we allow the Federal bureaucracy who knows the least about forming or operating a small business to deem what is a wetland from their Washington offices.

Through its increased flexibility, the Clean Water Amendments of 1995 benefits citizens, farmers, businesses, consumers, local and State governments, and the taxpayers.

Mr. Chairman, these last-minute attempts to derail and weaken this strong bipartisan effort, whether they are in the form of amendments or so-called substitutes, should be voted down. Such efforts, in my view, are a breach of faith with the changes the American people demand. They renege on the need for smart regulation, good science, cost-effective risk reduction, and common sense.

The Washington bureaucracy and the professional environmental elitists have been ramming these edicts down the throat of the American taxpayer for far too long. It is time for citizens to have a say in the process. I am delighted that in this bill we have provided for that forum, for a citizen voice. Vote for the Clean Water Amendments of 1995 and against the Boehlert-Roemer substitute.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I rise in support of the Boehlert substitute.

The proposed clean water amendments, H.R. 961, amount in my mind to nothing less than environmental sacrilege. The underlying principle behind the bill seems to be pollute now and leave a debased environment for our children. They take us back 20 years to an environmental stone age.

H.R. 961 would have a severe and negative impact on New Jersey and the 13th Congressional District in particular. The EPA 1992 toxic inventory shows release of toxic material into New Jersey surface water of more than 400,000 pounds. The current law would be modified by H.R. 961 to allow for downgrading water quality standards where they result in disproportionate costs over benefits.

This is unfair to the more than 90 percent of major industrial facilities and municipal facilities that are in compliance with the Clean Water Act in New Jersey. It rewards those who have resisted investing in pollution cleanup measures and punishes those who were responsible corporate citizens.

The State of New Jersey has a thriving tourism industry doing over $10 billion in business annually. The State

has engaged in aggressive fish consumption and beachwater quality monitoring. Under H.R. 961, EPA is now directed to issue guidance instead of regulation with regard to fish consumption advisories and monitoring beachwater quality.

Nonpoint source pollution is responsible for roughly half of the remaining pollution in the country. H.R. 961 modifies current law to clarify that voluntary or incentive-based approaches are allowable in lieu of regulatory programs. It also repeals sections of the Coastal Zone Management Act which requires coastal States to develop nonpoint source control programs. This would hit New Jersey's coastal tourism industries and port activities very hard, since they are at the receiving end of newly degraded waters.

Simply put, H.R. 961 sets the clock back more than 20 years.

The bill pushes back deadlines, requires waivers, creates huge new exemptions and mandates major changes in the core of the program, the water quality standards, and permit conditions.

This is a piece of legislation that has been the most successful pollution cleanup program in existence.

However, H.R. 961 does also the following: It waives industrial pretreatment of waste; delays dates for meeting deadlines if Federal funding falls short of the authorized levels; severely limits EPA's ability to control dangerous toxic substances; removes thousands of acres of wetlands from Federal protection, which could lead to more flooding, lower fish catches and poorer water quality.

We have talked about the Coastal Zone Management Act. It also eliminates the ban on building sewage treatment plants in flood plains and wetlands and thereby encourages sewage overflow; and it puts it on a deadline for the control of agricultural runoff, to the detriment of downstream users.

There are provisions in this bill that no one is quite sure what is meant. The antibacksliding provisions, which are supposed to ensure that permit changes do not result in different kinds of water pollution, are virtually, in my mind, incomprehensible. The provision for trading point source pollution credits between air and water may not be a bad idea, but it is completely unclear how it is supposed to work or how it will affect downstream users.

That was before the markup. Now it is worse.

There is a wholesale exemption for livestock feeder operations, no matter how large. It is a total exemption for an entire industry to dump animal waste into lagoons, retention ponds, wetlands, and other waters of the United States without a permit. This is the exact source of the deadly cryptosporidium contamination which killed so many people in Wisconsin.

Current law lists 5 nonconventional pollutants for which a discharger may seek a modification of the best available standards of treatment. This bill goes from 5,000 to 70,000 different listings.

There are terms which go beyond vague. Pollution credit trading, statistical compliance, and innovative technologies are frequent additions to provide flexibility which are in reality techno-babble for loopholes.

This bill is a great leap backward in the control of water pollution. It is government by anecdote. If a special interest group wanted a small change in the law, it was generally granted at the expense of the environment. The result is a bill which has numerous contradictory provisions and repeals many longstanding commitments to water quality.

It is not the type of legacy we want to bequeath to our children, the next generation, as we approach a new century.

I urge support of the substitute and defeat of the legislation.

Mr. WELLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 961 and oppose the Boehlert substitute. Everyone here today supports clean water, and H.R. 961 works to keep our water clean.

Chairman SHUSTER has done yeoman's work in bringing together all sides in a compromise fashion, and has earned overwhelming bipartisan support from Republicans and Democrats in committee with an overwhelming 46 to 16 vote when this legislation passed the committee.

It has also earned bipartisan support from State and local officials. Let me list them once again. This is a list of some of the public sector groups that have endorsed H.R. 961:

The National Governors Association, a bipartisan group; the National League of Cities, a bipartisan group Association of State and Interstate Water Pollution Control Administrators, a bipartisan group; American Public Works Association, a bipartisan group; Association of Metropolitan Sewage Agencies, a bipartisan group; Association of Metropolitan Water Agencies, a bipartisan group.

In fact, I have with me a letter that the President of the Association of State and Interstate Water Pollution Control Administrators sent to the committee, highlighting the many major improvements the States have repeatedly asked for and requested. Finally they were included in H.R. 961.

I would like to quickly list those 12 items that the committee has agreed to help State and locals by including. In fact, the letter says that while the States have repeatedly requested from Congress and that by working together they believe that considerable strides have been made to more efficiently and effectively deliver environmental results.

With its new comprehensive approaches, and I am quoting this letter,

to non-point source, watershed and stormwater management, H.R. 961 sets forth a framework that better protects this Nation's waterways.

They have listed below provisions which are consistent with the goals of States and this association has asked for in a bipartisan fashion. According to the Association of State and Interstate Water Pollution Control Administrators, H.R. 961 clearly anticipates and enhanced State management role relative to clean water program implementation.

H.R. 961 maintains a firm commitment to the Clean Water Act's goals, with more flexibility at State and local levels to determine how they can be best achieved.

The letter also says that H.R. 961 establishes a national program to bring nonpoint source pollution under control, which provides a comprehensive rather than site-specific demonstration program, an unambiguous goal to meet water quality standards within a specified deadline, increased program funding to assist States with expanded implementation activities.

The fourth point they make in their letter says that H.R. 961 enables States to focus scarce resources on priority problems by providing 10-year permits, control strategies that consider the relative contributions of both point and nonpoint sources, the incorporation and active promotion of pollution prevention, and continued State certification authority under section 401 over hydropower facilities.

The letter also points out that H.R. 961 establishes a comprehensive framework to address stormwater runoff that goes beyond the limited number of sources covered by current law and addresses the multitude of stormwater problems, sets an unambiguous goal to comply with water quality standards within a specified deadline, and gives State flexibility to tailor solutions to local circumstances.

H.R. 961, according to this letter, encourages States to take the watershed approach to problem solving and consolidate planning and reporting requirements. H.R. 961 also, according to the letter, increases authorized funding for State implementation under section 106 in a State revolving loan fund.

H.R. 961 also streamlines SRF requirements to assure the construction of more projects at less cost. H.R. 961 addresses the special needs of small and hardship communities, and H.R. 961 codifies a consensus agreement of the States, the cities, and the U.S. EPA on combined sewer overflows.

H.R. 961 clarifies that as coregulators, States' consultations with U.S. EPA are not subject to the Federal Advisory Committee Act. Last, this letter points out that H.R. 961 requires Federal facilities to comply with the law to the same extent as other dischargers.

Mr. Chairman, H.R. 961 is a product of discussions with local and State officials, those who are responsible for administering and living with the Clean Water Act. For the first time, we have legislation——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. WELLER] has expired.

(By unanimous consent, Mr. WELLER was allowed to proceed for an additional 30 seconds.)

Mr. WELLER. Mr. Chairman, this legislation is a bipartisan effort. H.R. 961 passed the committee with a vote of 46 to 16, clearly overwhelming bipartisan support.

I urge Members of the House to support the committee, vote for H.R. 961, and reject the substitute.

□ 1730

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. I thank the distinguished gentleman for yielding.

Mr. Chairman, I just want to say there are many Governors and State legislators in favor of this substitute. The National Governors' Association wrote, ''We believe the provisions on wetlands in H.R. 961 are inconsistent with the Governors' wetlands policy in several important respects.''

The National Conference of State Legislators, ''We could not support the bill unless a number of important revisions are made.''

Finally, the South Carolina Department of Health and Environmental Control on coastal nonpoint programs, ''Significantly changing this portion at this time would not only waste taxpayer money, but would send the wrong message.''

I think that is just some quotes from a number of States' legislators that support the substitute. And I thank the gentleman.

Mr. WISE. Reclaiming my time, Mr. Chairman, I rise in support of the substitute. It is not all I would want it to be, but then none of this legislation is, to be honest with you, and somewhere between this bill and the present law that we are operating under is the perfect solution.

But let me just make a couple of notes. I come from an industrial area, and so I do not look with total alarm at some of the changes that the gentleman from Pennsylvania [Mr. SHUSTER] and committee have brought, and in fact I think there is a need for some flexibility dealing with the emissions requirements, because I point out that many of our industries have made significant investment and have complied with cleanup requirements, and often what we are finding is in meeting the final 10 percent of cleanup that you have is that it can be far more expensive then the previous 90 percent, and that some flexibility should be allowed.

The current Clean Water Act has reduced large amounts of point source pollution. Now we must look at how we can make sure that we continue that effort. While having done a lot of good, the remaining problems become more specialized, they become harder to fix with rigid one-size-fits-all solutions. The point source provisions of H.R. 961 do attempt to tap some of that creativity.

I have some concern, Mr. Chairman, about the current system of command-and-control regulation, and I think probably in some cases they have gone about as far as they can in making major gains for the environment.

For instance, Mr. Chairman, I look at the H.R. 961 section 301, subsection (q), which for instance permits the Administrator to authorize States to modify or permit requirements if pollution prevention pressures or practices will result in greater overall reduction than would otherwise be achievable under the existing command-and-control regime. This would seem to make sense. Pollution trading, which there are provisions of that in the existing Clean Air Act, also I think is something that should be looked at. The President's own reinventing environmental regulation initiative clause on the effluent trading program similar to this one is a cost-effective approach for reducing water pollution. So I think we should not be afraid of some flexibility.

But the reason I am supporting this substitute, Mr. Chairman, is about other areas as well, wetlands for instance. I hold a candle to no one being frustrated by wetlands bureaucrats. They make honest and responsible landowners be in fear of cattails that might suddenly spring up, but at some time I believe Congress should make decisions based on science. It should look at the fact it chartered to study by the National Science Academy a few years ago designed to help shed some light on this subject, and we have the results of that study, and yet we are racing ahead with the legislation.

I too believe that you ought to eliminate most of the agencies that are involved in wetlands disputes, it ought not to be some kind of lottery that you go through: Did you satisfy Fish and Wildlife, did you satisfy Interior, did you satisfy this, and just when you think you have gotten to the end of the obstacle course, whoops, up pops another agency.

But by the same token, I am not sure we ought to be putting into legislation the kind of scientific standards or hoped to be scientific standards that are here.

I so I have great concern about that. And I also have concern about attaching the risk assessment provisions to this legislation.

Mr. Chairman, there is a reason that many of the people in this Chamber today are drinking bottled water out of the offices. There is a reason that bottled water has become one of fastest-growing industries in the country. There is a reason when I go to the grocery store I am now seeing whole shelves of bottled water. For some reason, I do not know whether I was ignorant or not, I used to turn the tap on and now worry. Now I worry. So it seems to me that this Congress ought to be taking a little more time being a little more reflective before it passes the law of the forest, and for that reason I support the substitute, and would urge my colleagues to do the same.

(Mr. SHUSTER asked and was given permission to speak out of order for 1 minute.)

TRIBUTE TO DUKE CUNNINGHAM, FIRST ACE OF THE VIETNAM WAR

Mr. SHUSTER. Mr. Chairman, I would like to inform the body that at precisely this moment, 5:35, 23 years ago today, our colleague, Congressman ''DUKE'' CUNNINGHAM became the first ace of the Vietnam war, was attacked by 22 MiG's, shot down 3 MiG's then was shot down himself, and as he was ejected and was about to be captured, a Marine helicopter swooped in, rescued him. And so on this anniversary of that momentous occasion I think we all want to join in saluting the first ace of the Vietnam war, our colleague, Congressman ''DUKE'' CUNNINGHAM.

Mr. LATHAM. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this substitute amendment, and let me begin by saying that I have the highest respect for the distinguished gentleman offering this amendment, and I admire their commitment to clean water. But having said that, I believe there are at least two fundamental flaws to the substitute amendment.

First, as it stands, H.R. 961 provides individuals flexibilities for individual States to implement storm water programs, watershed management programs, and provides commonsense relief to small and rural communities.

The substitute does not include crucial regulatory reform provisions that this House has already overwhelmingly approved in principle, the ideas of risk assessment, cost-benefit analysis, and ending unfunded Federal mandates.

Under the substitute, it will be harder for States to regulate smarter in order to provide more pollution prevention at a far less cost.

Second, I must oppose the substitute amendment because it does not take critical steps towards fairness that are in H.R. 961. No subject arouses more passionate opposition in my district than the excesses of the Federal wetlands programs administered under the Clean Water Act.

H.R. 961 includes commonsense classification and delineation criteria for wetlands that reflect the genuine differences in quality and utility of wetlands.

I would just like to tell a little bit about the State of Iowa. In Iowa we have 25 percent of the grade A farmland in the world, not just in the United States, but in the world. And if the requirements that are in this substitute amendment were in place in

1993 when we had the floods in the Midwest, that grade A farmland could be determined to be a permanent wetland. It is not enough today that farmers have to fight weather problems and fight the markets, but now they have a threat from the Government itself coming in and taking over their land and telling them how they can use their land. And you talk about property values. What more would reduce the value of agricultural crop land than to determine that to be a permanent wetland?

Also, much of the land that I am referring to has been in families like my own for well over 100 years. They have had to put some tile in, much of it was hand dug by our ancestors, 80, 90 years ago, and today because of these requirements you can no longer improve or repair those tile lines, because again of the bureaucrats.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I want to make it absolutely clear that the alternative permits repair of tiles on agricultural land. Our alternative does permit that.

Mr. LATHAM. Reclaiming my time, but you also talk about delineation of what is a wetland, and today under this substitute those wetlands can be defined as a permanent wetland, any pothole out there that a duck would not land in under this substitute can be classified as a wetland.

I really resent the idea too that somehow farmers are not conservationists, are not environmentalists. I tell you on our land, on our farm, we are the ones who have to make a living off of that land. We are the ones who are raising families who drink that water. And anyone who has the idea that a farmer is not concerned about the quality of life and the preservation of that land and also seeing to it that that water is purified is simply wrong and has no idea of what agriculture is about today or about what a family farm is about. And once again, people who think we are out there trying to pollute the environment simply do not understand reality.

Earlier someone tried to blame what happened in Milwaukee on a farmer. And the fact of the matter is, and it has been shown that that was wildlife that put that bacteria in the river, and if anyone thinks that a new Federal mandate or regulation is going to control wildlife out here again they certainly do not understand what is outside of the Beltway here in Washington.

This debate, folks, is about Washington regulators against the farm families, the small business people, and the local governments in America. H.R. 961 reflects the interests of the farm families and the small business people and the local governments, and the substitute represents the idea of the regulators, and I ask Members to vote no on the substitute and support H.R. 961.

Mr. CLYBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in favor of the substitute bill being offered by my colleagues, Mr. SAXTON, Mr. ROEMER, and Mr. BOEHLERT. During the lengthy committee markup of H.R. 961, I listened closely to my colleagues on both sides of the aisle as they delivered thoughtful opinions on every aspect of this complex legislation. In the end, I voted not to report H.R. 961 out of committee.

Mr. Chairman, my vote against H.R. 961 is not a vote against clean water. In fact, it is very much the opposite. My vote against H.R. 961 is a vote for clean water, for good health, and for an adequate level of environmental protection. I believe the Saxton-Roemer-Boehlert substitute is a sensible solution that can provide us with all of those things.

In my State of South Carolina, many programs under the current act are administered by the South Carolina Department of Health and Environmental Control—DHEC.

On yesterday, I was contacted by DHEC and they expressed to me they would rather have no change than the damaging changes found in H.R. 961. Now when the agency that was created to protect the health and environment of the people oppose a bill, that should cause us all to wonder about the ramifications of it.

The comments made by DHEC are not unfounded. Let me tell you why.

Throughout the debate on clean water in both this Congress and the last, we have heard what some call tales about people who catch their evening meals in the streams behind their homes, or our of the rivers that run through their communities. Let me assure you that these are not just fish tales.

Mr. Chairman, this is a reality, especially in rural districts such as the one I proudly serve in South Carolina. Over 48 States have issued over 1,300 fish advisories for recreational and subsistence anglers. As of 1994 in South Carolina, there were 18 fish advisories in effect. That is up from only three in 1992. Do the math anyway you like, but the sum adds up to there is more that needs to be done.

The provisions in the substitute bill would keep these waters clean and allow these people to keep fishing in the waters, and their children to keep playing in the waters without the hazards they could encounter if H.R. 961 were to be put in place. Among other harmful changes, H.R. 961 would allow water quality standards to be relaxed for up to 70,000 pollutants.

I don't know about you, Mr. Chairman, but I feel that is 70,000 more pollutants than the people of the Sixth Congressional District of South Carolina need to be exposed to.

I imagine if I asked for a show of hands of those Members who have visited the South Carolina coast, there would be quite a few.

Our State is one of 35 that belong to the Coastal States Organization. This is yet another reason to support this substitute because it contains provisions developed by the Coastal States Organization that are intended to protect these fragile coastal areas from runoff pollution.

The coastal lands need special provisions. The Saxton-Roemer-Boehlert substitute would give these special protections as developed by the Coastal States Organization, and allow for continued responsible use of our coastal areas.

Mr. Chairman, it is no doubt that people all across the country know the value of clean water. In a recent Times-Mirror poll, 76 percent of Americans said they felt we should do more, not less to protect our Nation's waters. However, no one knows the value of clean water as much as the residents of rural communities across America. There is a term we like to use today—''Environmental Justice.''

I don't care what you call it, but the concept remains the same. People living in small, mostly rural and poorer communities across America consistently suffer from more health problems due to environmental negligence. It is for those people that I rise today to support the Saxton-Roemer-Boehlert substitute.

Mr. Chairman, I would like to say a few words about the markup of H.R. 961 in the Transportation of Infrastructure Committee. I want my chairman, Mr. SHUSTER, to know that even though we ultimately came down on different sides on H.R. 961, I congratulate him on the job he did in presiding over the markup, and I appreciate the sincerity of his views.

And I want my ranking member, Mr. MINETA, to know how much I appreciate his leadership and commitment on this critical issue.

Mr. Chairman, in the South we tend to tell stories to make a point, or use cliches to describe things. In keeping with that tradition, I would like to share two old adages we should all heed. One is ''if it ain't broke don't fix it,'' and the other is ''if you mess it up, clean it up.'' Mr. Chairman, this is the underlying message behind the substitute legislation being offered today, and I encourage all of my colleagues to joint with me in supporting clean water with a ''yes'' vote on the Saxton-Roemer-Boehlert substitute.

□ 1745

Mr. LoBIONDO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the substitute and commend my colleagues for their fine work on this bill.

As a strong supporter or regulatory reform, I was proud to vote for the regulatory reform proposals contained in the Contract With America.

And I rise today in the strong belief that indiscriminant regulation will sap our economic strength, our competitiveness and our future.

I believe that this substitute is consistent with regulatory reform.

First, most of the provisions of the substitute reflect the provisions in the chairman's bill. But, the substitute recognizes the importance of controlling stormwater runoff.

At the same time, the substitute provides States with flexibility in dealing with this problem. States would be able to target runoff control programs where they are needed most. And States would be given greater authority to use incentive-based programs and planning and management.

Similarly, the substitute would not overburden our small businesses and small municipalities with onerous regulations. They would fall under a 10-year moratorium on the implementation of new requirements under the stormwater management program.

Mr. Chairman, I represent a district that is surrounded on three sides by coastal waters. In our coastal areas in New Jersey, our businesses, indeed our economy, relies on having a clean coastal environment.

The family-owned hotels and motels in my district have approximately 3 months in the summer to earn their living for the year. If the beaches are closed because of pollution, those businesses are hurt and may not survive.

Mr. Chairman, commercial fishing is a $55 billion industry nationwide—and lets face it, people are not going to eat fish that they believe were caught in polluted waters.

In my district, nonpoint source pollution and storm water were major sources of ocean pollution. Actions taken at the State level have sharply reduced pollution in our ocean and bays. It is a testament to the commitment New Jersey has made, as a State, to protecting our coastal environment.

But we need a Federal standard. Our coastal waters do not recognize State boundaries. If New Jersey makes a commitment to prevent pollution from nonpoint sources and storm water runoff, that could be negated if another State does not.

Mr. Chairman, the substitute is a good bill.

Again, I commend my colleagues on a fine substitute and urge members on both sides of the aisle to support the Boehlert-Saxton-Roemer substitute.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment. I commend the authors. I urge that the amendment be adopted. And I hope that in so doing, we will improve the bill.

I would inform my colleagues that the Clean Water Act is not only the most successful but it is the oldest of our major environmental statutes, and it was not passed by a bunch of left-wing kooks. It was passed overwhelmingly by bipartisan majorities on both sides of the aisle, and it came out of the Committee on Public Works overwhelmingly.

There is good reason for everything that is in the current law, and the wonderful fact is that it works.

What would the bill that is now before us do? First of all, in the State of Michigan, it would eliminate wetlands protection for some of our 5,583,000 acres of wetlands. Altogether, it would risk the potential loss of 3,629,000 acres.

The current law is a good law, but it does not do all that it should. In recent times, better than 10,000 beaches have been shut because of pollution of coastal waters, and better than one-third of our shellfish beds are at risk.

Now, what does the bill do here? First of all, it does not really protect wetlands as it should. As I mentioned, it puts Michigan wetlands and Michigan migratory waterfowl populations at risk. Indeed, I would warn my colleagues that this bill puts migratory waterfowl and migratory birds and migratory bird hunting at risk. I speak as a member of the Migratory Bird Commission which works to try and save the lands for these species.

The bill would go further than that. The bill would repeal the Coastal Zone Nonpoint Pollution Control Program. It would remove 60 percent of our Nation's wetlands from any protection, and allow total destruction of possibly as high as 80 percent. It would weaken the standards governing industrial pollution and discharges into lakes, rivers, and harbors. It would threaten the Great Lakes fishery, which is worth better than $4 billion a year. It would hamper efforts to control nonpoint source pollution, the source of over 50 percent of water quality impairment in the United States, and it would create, interestingly enough, an extraordinarily unworkable bureaucracy which would supposedly address the question of wetlands protection within the Corps of Engineers, and cost the American people millions of dollars a year.

The amendment is a responsible piece of legislation. It accepts about 70 percent of the legislation written in the committee. It would make possible continued progress, albeit at a somewhat slower rate than we have seen, because of the programs which we are now addressing which have been, I repeat, enormously successful in terms of preserving natural resources and protecting the clean water and protecting the health of the American people.

Tourism is a great industry in this country, and it is one of the most important we have. I know of no one who will go to see dirty water. They go to see places where the water is clean, where the fishing is good, where the swimming is safe, and where one may eat the fish that they catch. They do not go to Gowanus Canal or to places which are fabled with their filth.

Legislation which we have before us would roll back in a startling fashion better than 40 years of progress which we have made in cleaning up the waters of the Nation. It would not help the polluters particularly. It would simply allow them to evade their responsibilities. It would not help the American people. It would simply inflict upon them continued destruction of their most precious and important natural resource, the water of this country.

The legislation which this country wants, if you ask the people, and better than 70 percent of them will say so if inquired of, is legislation which protects the waters, which protects the environment, which protects the health of the American people.

I would urge that the amendment sponsored by my colleagues, the gentleman from New Jersey [Mr. SAXTON], the gentleman from New York [Mr. BOEHLERT], and the gentleman from Indiana [Mr. ROEMER] be adopted. I would urge that my colleagues reject the bill.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I would like to make reference to some comments made by a colleague and member of the committee, the gentleman from Iowa [Mr. LATHAM], earlier, particularly as they apply to agriculture. I want everyone to know we are very sensitive to the needs of agriculture. Our alternative specifically provides exemptions for the repair and construction of tiles.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(At the request of Mr. BOEHLERT and by unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. BOEHLERT. Mr. Chairman, the exemptions specifically allow repair and construction of tiles. We also have in our substitute the same exemptions for agriculture as are contained in H.R. 961.

Mr. DINGELL. The gentleman says all this talk about how your substitute is going to hurt agriculture; it cannot, because it is the same language they have in the bill?

Mr. BOEHLERT. He was genuinely concerned about that. The concern was heartfelt.

Mr. DINGELL. I do not care whether it is heartfelt or not, I want to know if it is factual. I gather you are telling me some of the concerns expressed are not factual.

Mr. BOEHLERT. Some of the concerns expressed here have not been factual.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New Jersey.

Mr. SAXTON. The gentleman mentioned beach closures. I just want to say what the gentleman spoke of in terms of the Coastal Zone Management Act and the provisions that have to do with nonpoint source pollution and the benefits provided for wetlands go a long way to prevent beach closures.

In 1987 and 1988, I lived through those beach closures along with the Northeast coast, and I can say, I think uncategorically, that by repealing the laws which the committee bill proposes to repeal, that we are bound to repeat summers like those summers when we had those beach closures, because we are eliminating the protections that we have since put in place that have worked very, very well, and so I thank the gentleman for pointing out those very, very important aspects of this substitute.

Mr. DINGELL. I thank the gentleman.

Mr. DUNCAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the entire 5 minutes, but I want to rise in strong support for H.R. 961 and urge that it be passed without major modification.

I would like to commend my outstanding chairman, the gentleman from Pennsylvania [Mr. SHUSTER], of the Transportation and Infrastructure Committee, for his outstanding and yeoman work that he has done in regard to this legislation. It is outstanding legislation, and it deserves the support of all of the Members of this body.

H.R. 961, as reported out of our committee, will reduce Federal power and will give us cleaner water. It gives control of water resource management to those who have the biggest stake in maintaining these resources, while taking control from bureaucrats here in Washington.

Even the Administrator of the EPA, Carol Browner, has said, ''We must allow for flexibility, innovation and common sense as States and communities look for ways to achieve the standards.'' That is what the committee-approved bill does, Mr. Chairman. It restores common sense to our clean water regulation.

I have great respect for all of the authors of this substitute amendment. They are all good friends of mine. But I am afraid, Mr. Chairman, that the amendment in the nature of a substitute would eliminate the flexibility that is needed and that Ms. Browner called for, in that it seeks to retain Federal command and control in pursuit of clean water.

A one-size-fits-all approach to clean water regulation is no longer sound, if it ever was. The EPA bureaucrats and Army Corps of Engineers officials are simply not capable of making qualified, correct decisions for every State legislature, every city manager, every farmer, every land owner, every business owner in the Nation.

H.R. 961, as reported, lifts that responsibility from them and gives it back to the people and their representatives at the local level.

I do not need to repeat, Mr. Chairman, and would not have time to do so anyway, all the horror stories about EPA and Army Corps of Engineers regulations under our clean water laws at this time, one stupid, expensive, unfair decision after another.

A few years ago one of the officials of the National Association of Home Builders told me that if our wetlands laws were strictly enforced, that it would close up over 60 percent of the developable land in this country. It would make the dream of home ownership just go out of sight from an economic standpoint for most young couples in this country.

It has been mentioned before, but I think it bears repeating, that support for moving forward with H.R. 961 has come from a wide range of groups, including the National Governors' Association, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the Association of State and Interstate Water Pollution Control Administrators.

□ 1800

The water pollution control administrators are people who work full time in this area, and I can assure my colleagues they would not support this legislation were it not good clean water legislation. This bill is also supported by the Association of Metropolitan Sewerage Agencies, the American Public Works Association, the Clean Water Council, the American Farm Bureau Federation, and the U.S. Chamber of Commerce, and the National Federation of Independent Businesses among many, many others.

H.R. 961 was reported out of our committee by a strong bipartisan vote of 42 to 16. This bill deserves bipartisan support now. It will return common sense to our signatory efforts in regard to clean water. It will return flexibility. It will do away with many of the unfair bureaucratic burdensome decisions that have come out in recent years.

Most importantly of all, Mr. Chairman, and I would like to emphasize this, if H.R. 961 passes as is, it will be the toughest clean water law in the world. This bill passing as is will be the toughest clean water bill in the world. It just does not go to some of the extremes that some people would have us do, some of the ridiculous extremes that some people would have us go.

So let us vote for the toughest clean water law in the world. Let us vote for Chairman SHUSTER's bill, H.R. 961. I urge its passage.

Mr. FARR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of this substitute measure authored by the gentleman from New Jersey [Mr. SAXTON], the gentleman from Indiana [Mr. ROEMER], and the gentleman from New York [Mr. BOEHLERT]. It is not a perfect fix of H.R. 961's problems, but it offers a rational middle ground that preserves the rights of H.R. 961 while turning back H.R. 961's most damaging proposals, and it is interesting to note that many of my colleagues served in State legislatures before coming here, and I would like to point out that in a letter that I received from the National Conference of State Legislators they indicate that unless H.R. 961 is significantly amended during the floor consideration, the NCSL urges them to vote against this bill, and they point out that the problems with the bill that is before us that are addressed by this amendment is that the bill in print limits State discretion to impose effluent limits which are different than Federal limits. It also reduces State authority to update and strengthen controls on toxic and other discharges by providing that effluent limitations only be reviewed every 10 years.

So not only myself and others are urging our colleagues to support this, but the State legislatures are as well. The substitute amendment restores vital protections for wetlands, but makes commonsense exemptions for agriculture, flood control and other important activities. These provisions are based on wetlands language offered by the National Governors Association and increase the States' role in wetland's protection.

The substitute amendment replaces the repeal of the Coastal Zone Management Act non-point source program included in H.R. 961 with amendments to improve the program proposed by Coastal States Organizations. Any legislator representing a coastal State knows the significance of having the ability to control non-point source run off because it runs into the ocean. Our local economies are based on the fact that people make livings off that ocean, both for recreation and primarily for commercial fishing, and if that environment is not safe, and sound, and clean, then we are going to destroy the very economic base of many of our coastal regions.

Mr. Chairman, I think this bill in its drafted form goes a long way to doing that, so that is why I support the Saxton proposal, because it is a reasonable alternative, it is going to help protect clean water, and we need to do that because we are just borrowing time from future generations, and we need to turn over the world in a better shape than which it is in now. So I urge my colleagues to support this substitute.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, May 8, 1995.

Re H.R. 961, Clean Water Act Amendments of 1995.

Hon. SAM FARR,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE FARR: On behalf of the National Conference of State Legislatures, I am writing to express concerns about H.R. 961 as reported by committee. Unless H.R. 961 is significantly amended during

floor consideration, NCSL urges you to vote against the bill.

In partnership with the federal government, states have worked diligently for more than two decades to achieve the Clean Water Act's goals of restoring and maintaining our nation's waters. The Clean Water Act serves as a baseline for state programs, while giving states flexibility to go beyond federal minimum requirements. Many of the problems facing our nation's water bodies are interstate in character and cannot be addressed by any state acting alone. Over the past two decades states have come to rely upon the state-federal partnership that is the cornerstone of our system of public health protection.

While NCSL applauds H.R. 961's proposed increases in SRF funding, efforts to provide states with greater flexibility, and other provisions that directly benefit state and local government, we are concerned with other aspects of the bill. For instance, if enacted in its present form, H.R. 961 would permit increased degradation of our nation's waters and allow for delay in achieving the Clean Water Act's goals. We urge you to seriously consider any amendments which aim to strike a proper balance between increased state authority and preservation of minimum federal standards.

One of our specific concerns with H.R. 961 is that it would reverse our nation's goal of eliminating the net loss of both wetlands acreage and wetlands habitat values. Wetlands are an integral component of both the environmental and economic health of our nation. They provide important economic and recreational benefits such as hunting, fishing, natural flood control, recharge zones for groundwater aquifers, reduced shoreline erosion and water purification through filtration of sediments and toxic pollutants from runoff. Given the direct and indirect economic benefits that are derived from wetlands, we are concerned by provisions in H.R. 961 that would encourage and increase development activities in wetlands.

In addition to the above, NCSL is also concerned with other provisions of H.R. 961. For instance, as reported by committee, H.R. 961 would: Limit state discretion to impose effluent limits which are different than federal limits; reduce state authority to update and strengthen controls on toxic and other discharges by providing that effluent limitations can only be reviewed every ten years; relax effluent pretreatment standards for waste waters destined for Publicly Owned Treatment Works (POTW's); and waive compliance time deadlines for any year in which actual funding levels fall short of authorized levels.

While NCSL supports many of the bill's provisions that would directly benefit states and their political subdivisions, we nonetheless do have concerns with other aspects of the bill. It is our sincere hope that floor amendments during consideration of the bill will succeed in addressing and resolving our concerns.

Thank you for the opportunity to share these thoughts with you.

Sincerely,

JANE CAMPBELL,
President, NCSL, Assistant Minority Leader, Ohio House of Representatives.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I rise today to support the Saxton-Boehlert-Roemer substitute to H.R. 961, the Clean Water Act Amendments of 1995. This substitute is a sensible, reform measure which fixes many of the problems associated with Clean Water Act regulations, without sacrificing essential protections, particularly in the areas of wetlands policy and coastal zone management.

Long Islanders have always had a special appreciation for the delicate nature of our Nation's waters and the need to protect them for our economic health, as well as for future generations. My constituents carry on this tradition of concern. Long Island is, after all, an island. My district on the south shore has over 35 miles of coastal shoreline. Long Island's coastal waters are a premier source of recreation and the backbone of an essential tourism industry, which relies on our vast stretch of sandy beaches. In addition, they house thousands of acres of shellfish beds, and support both commercial and sport fishing.

Because of this reliance on our coastal waters, both wetlands protection and coastal zone management are essential to both the economic health and quality of life on Long Island. Wetlands are a natural filtering system which help protect the health of our fish population as well as help filter pollutants from seeping into our groundwater. Yet H.R. 961 would remove over 60 percent of our Nation's wetlands from any level of protection.

The Saxton-Boehlert-Roemer substitute addresses the concerns of private landowners by putting in place a proposal developed and supported by the National Governor's Association which simplifies and expedites the wetlands permitting process by expanding the role of State wetlands managers in the permitting process. This will help encourage decisions about wetlands management to be made on the local level, without paving the way for widespread wetlands destruction.

H.R. 961 would also repeal section 6217 of the Coastal Zone Act Reauthorization Amendments [CZARA], which is the only enforceable program developed by Congress to deal with nonpoint source pollution of coastal waters. Consequently, this bill would expect an already weak nonpoint source pollution program, section 319, to somehow attend to the special problems associated with coastal pollution. This pollution has resulted in the closure of 200,000 acres of New York City and Long Island shellfish beds. It has severely impacted both commercial and recreational fishing on Long Island. I clearly remember recent summers when medical waste, including used syringes, washed up on shore and forced the closure of certain Long Island beaches on hot summer days. In fact, more than 10,000 beaches nationwide were closed to bathing over the past 5 years due to pollution. My district cannot afford this kind of loss. The coastal State governors have spent years working on sensible State-managed programs to this threat to coastal waters. Working with CZARA, the coastal States have finally come up with solutions that they feel will work best for their States. The Saxton-Boehlert-Roemer substitute acknowledges this effort by adopting the reforms proposed by the 29 States of the Coastal States Organization for implementing CZARA.

Like many other coastal areas around the country, Long Island is dependent upon its waters to support its economy as well as its quality of life. By including provisions developed by the National Governor's Association and Coastal States Organization, the Saxton-Boehlert-Roemer substitute, gives each State the flexibility to develop the best programs to protect its water, while maintaining critical Federal support. I urge my colleagues to support this substitute.

Mr. ZELIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Saxton-Boehlert substitute to H.R. 961.

Let us face it, colleagues. The Clean Water Act has made great strides in improving the quality of water sources and aquatic habitats across our Nation. However, unintended consequences of the provisions of the act as well as advances in environmental science and technology over the past 20 years have necessitated a revision of this law. H.R. 961, as passed by the Transportation Committee, brings a 1970's law into the 1990's and the 21st century.

With wastewater treatment needs of communities across the United States projected to cost over $120 billion during the next 20 years, it is essential that innovative financing and treatment methods be utilized. States need to be provided flexibility in the implementation of clean water programs in order to best address the particular water resource needs and conditions of their communities. Cost-benefit analysis, risk assessment and the use of sound science need to be included in a national clean water program to ensure that regulations do not burden the States, localities, and individual land owners.

Finally, commonsense reforms of the current section 404 wetlands permitting process are needed to relieve private landowners of the current regulatory maze and to protect their rights as guaranteed by the Constitution of the United States. Under the current Clean Water Act, landowners have been prosecuted or threatened with prosecution for removing trash, adding fill dirt, repairing a levee, installing a tennis court, plowing land, and planting crops without a section 404 permit.

A great deal of time and effort has been invested by Chairman SHUSTER and the Transportation and Infrastructure Committee to ensure that these issues are all addressed in H.R. 961 and that all perspectives on clean water issues have been taken into consideration. At the same time, H.R. 961 facilitates the continued improvement in

the quality of our Nation's water resources. This bill has had resounding bi-partisan support throughout the committee process, having passed the subcommittee by a vote of 19 to 5 and the full committee by a vote of 42 to 16. I commend Chairman SHUSTER for his commitment to reforming the Clean Water Act to be a more effective and efficient national policy without compromising America's water quality, and for his dedication to seeing that this legislation comes to the floor during this Congress.

The Saxton-Boehlert substitute would gut the provisions of H.R. 961 which bring the Clean Water Act into the 21st century. The Saxton-Boehlert substitute does little to change the inflexible Federal Stormwater and nonpoint source regulations that are breaking the financial backs of small and rural communities across the Nation. The substitute does not adequately relieve the States, localities and landowners from onerous regulations and loss of private property rights. I strongly urge my colleagues to vote ''no'' on the substitute.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. ZELIFF. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, the gentleman said this would gut the provisions of the bill that bring us into the 21st century. It would be helpful to us if the gentleman elucidates those particular provisions because we are all anxious to go into the 21st century.

Mr. ZELIFF. I agree, and, although we have an honest disagreement, I think that the Contract With America and all that we were trying to do in terms of giving back some of the power to the States to make decisions classifying what a wetlands is and a wetland is not makes all the sense in the world, and so that kind of common sense brings us into the 21st century. Regulations and laws that cost all of us in taking precious rights away from us as individuals, putting those regulations back with the States and all those things make a lot of good common sense and hopefully go——

Mr. BOEHLERT. Wetlands provision we have adopted the language advanced by the National Governors Association because, like the gentleman, we agree that the Governors are in the best position to deal with these very sensitive issues.

Mr. ZELIFF. The Governors do not support the gentleman's amendment.

Mr. BOEHLERT. The Governors support title VIII to the bill as——

Mr. ZELIFF. Support the gentleman's position.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Saxton-Boehlert-Roemer substitute amendment. It is far preferable to the underlying bill that has been brought to the floor.

Let me comment for a moment, if I might, about the efforts we have made in Maryland in regard to the Chesapeake Bay. This is an effort that has been undertaken now for over 15 years in which the people of Maryland have made a tremendous sacrifice in order to reclaim the quality of the water of the Chesapeake Bay. This has not just been an effort by the people of Maryland. It has been a cooperative effort between the people of Maryland, Pennsylvania, Virginia, the Nation's Capital. It has been an effort between the private sector and the Government working together in order to deal with some very serious pollution problems within the Bay. It has been a model program.

Mr. Chairman, we have seen this partnership has worked through some very tough changes in the manner in which we deal with water quality, including land use management, and fishing restrictions and other policies that we have undertaken in order to deal with the Chesapeake Bay, and it has been successful. The underlying bill would be a major step backward on the quality of the Chesapeake Bay.

Let me mention 3 significant differences between the underlying bill and the substitute that is before us. First, as it relates to the wetlands protection, the surge of nutrients into the Bay acts as a strangling of the oxygen that is important for the fish life, for the waterfowl, for oysters, crabs, and I could go on.

□ 1815

The quality of what we know on the Chesapeake Bay, whether it is for commercial or recreational purposes, is contingent upon us being able to control the level of nutrient in the Bay. That is why under the Bay Agreement we have a commitment to reduce the levels of nutrients by 40 percent by the year 2000.

The wetlands operate as a filtering system to remove nutrients and sediment from the Bay. Between 1982 and 1989, in the States of Maryland, Virginia, and Pennsylvania, we lost 37,000 acres of wetlands. That is equivalent to the size of the District of Columbia.

The substitute uses the standards helped developed by the National Governors' Association in order to put sensible restrictions on wetlands to protect wetlands. The underlying bill would literally allow the destruction of thousands, tens of thousands of acres of wetlands in our region and around the Nation.

A second reason why the substitute is far preferable is the pollution from storm water systems. We have a lot of old urban sewage systems in our State. During heavy storms, pollution, raw sewage, will just literally flow into the tributaries that lead into the Chesapeake Bay. The substitute that is before us offers some hope that we can deal with this issue. The underlying bill does nothing at all to protect us from the problems of storm water pollution.

Let me mention a third issue why the substitute is far preferable than the underlying bill, and that is the coastal zone non-pointed source runoff controls. Again, we are dealing with the nutrient level that I mentioned before. The underlying bill will allow the nutrients to continue, which act as a suffocation to the oxygen necessary for aquatic life. The substitute provides protection in this area, again allowing us to deal with the unacceptable level of nutrients that are flowing into the Chesapeake Bay and other waters.

Mr. Chairman, the bottom line is this: We have invested an awful lot in cleaning up the Chesapeake Bay in this region. We have put a lot of time, effort, and resources, both governmental and private sector. We have a choice in a few moments whether we are going to move forward in partnership with our States and with our local governments and with the private sector to help clean up the Chesapeake Bay, or whether we are going to move backwards.

The Federal Government has been a partner in this effort, a very proud partner in this effort, in helping the region deal with the Chesapeake Bay, which has been a model of a multi-jurisdictional body of water in dealing with pollution. It has acted as a model.

I hope the Congress, I hope my colleagues, will continue that fine tradition. Vote for the substitute, vote against the underlying bill. Let us continue that partnership and allow the people of our region to continue their efforts to reclaim one of the most important assets that we have, the Chesapeake Bay.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. CARDIN] has expired.

(At the request of Mr. SAXTON and by unanimous consent, Mr. CARDIN was allowed to proceed for 2 additional minutes.)

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from New Jersey.

Mr. SAXTON. I would just like to ask the gentleman, the nutrification process that you speak of in bodies of waters such as the Chesapeake Bay where nutrients create a situation where aquatic life cannot exist, at least in a healthy way, comes from in most cases the non-point source pollution issue that we are addressing in the substitute. The educational process, to enlist the help of the army of people necessary to change our forms of behavior, is absolutely necessary, as included in this bill.

I bring this up because the Chesapeake Bay is the great example of a great body of water that everybody is in love with and that everybody would like to help to nurture back to a good state of health, if only we had programs to help people understand how to do that.

I grew up in northeastern Pennsylvania on the south branch of the Tunkhannock Creek, which nobody has heard of. But it feeds into the east branch of the Susquehanna River, which is of course the source of fresh water for the Bay, and that is where the nutrients come from. My father a few years ago adopted the south branch of the Tunkhannock Creek and went about trying to eliminate the nutrients coming from that area.

Throughout Pennsylvania, those kinds of programs are necessary in order to help bring the Bay back to an appropriate level of healthfulness.

So I thank the gentleman for his comments.

Mr. CARDIN. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. He is absolutely correct. The nutrients are acting as a suffocation to aquatic life. Non-point pollution is the cause. Education is important. The substitute moves us in that direction to control the issues. The underlying bill would prevent the actions. I appreciate the comments made by the gentleman on this.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute.

Mr. Chairman, this is a ''while I'' speech. While I share the concern and admire the leadership of Messrs. BOEHLERT and SHAYS and formerly Mr. SAXTON, I must rise in opposition to this amendment.

Let the record show that I am for a clean Chesapeake Bay. Let the record show I hope the gentleman from New Jersey is able to swim as long as he wants in the Susquehanna, or whatever. But I must say that agriculture has a stake in this. I think there has been debate here, and as chairman of the House Committee on Agriculture, I feel compelled to inform Members that most of those interested in agriculture are very concerned about this substitute.

Now, you are going to say ''Who is that,'' and I am going to tell you. The Agricultural Retailers, American Association of Nurserymen, American Crop Protection Association, American Farm Bureau, American Feed Industry, American Sheep Industry, American Soybean Association, CF Industries, Inc., Agriculture Association, Farmland Industries, the dairymen, and National Association of State Departments of Agriculture. They are extremely important as you work on the environment. You have got to work with the state departments of agriculture as well as the state departments of environmental protection.

We have the wheat growers, the cattlemen, the corn growers, the cotton council. I can go on and on and on. But basically all of agriculture says while they understand the concern and the apprehension of those who have offered this substitute, that we need this bill. We need the other bill.

Now, why? Let me also add, if you are from rural and small town America, the National Federation of Independent Business, one of the many outfits here that rates Members of Congress. Some Members of Congress that are about, wake up in the offices, wake up here. The NFIB rating, two times, one on the substitute and one on final passage. They are opposed to the substitute; they are for the final passage.

Why would the NFIB and agriculture indicate their opposition to the substitute? Well, the substitute allows the 1987 Core Delineation Manual to be used for making wetlands determinations. That is the manual that has caused all the problems. That has been the problem.

This bill sets out a better determination, a much better definition. This 1987 manual would let the regulators decide wetland hydrology by looking at watermarks on trees, even though there is no water on the land. A parcel of land could be damp a foot below the surface and still meet their requirement. That has been part of the problem. We do require 21 consecutive days where a wetland would be wet. I think that makes a little sense. If more than 50 percent of the vegetation on the land is made up of plants that also thrive in other areas, well, there you are, that requirement of qualification is met.

This bill, the chairman's bill, the bill that we also support on the House Committee on Agriculture, requires some water-loving wetland plant to be present. I think that makes common sense.

I will tell you, I know the gentleman from New York, [Mr. BOEHLERT] and the gentleman from Michigan, [Mr. DINGELL] and I have the utmost respect for him, has said it does not harm agriculture. I know the gentleman has made a very honest effort in that regard. But the chairman's bill allows State and local cooperation to restore a wetland ecosystem.

You know what? We have debated this and debated this. No one here knows exactly what an ecosystem is, a wetlands ecosystem, and that is the problem. Because when these matters end up in a Federal District Court, the judge then turns to the EPA and the Fish and Wildlife Service to tell him what a wetlands ecosystem is, and we are right back to the regulator and we are right back to the problem that has caused all of the problem in regards to farm country.

We have heard a lot about the Chesapeake and the Susquehanna. We have got a river in Kansas, one of the few rivers in Kansas. It is called the Arkansas. There is a community there called Great Bend, Kansas. And we heard a lot about nutrients and the different standards.

That community is now going to spend $12 million for a new waterworks system. You know why? There is too much chlorine in the water. It could endanger an endangered species fish called the shiner in the local river. One basic problem, there is no water in the river and there is no fish. Now, other than that, it makes a great deal of common sense.

That is an extreme example, but that is the kind of thing we are facing in agriculture. Low spots in the field where, as I said before, no self-respecting duck would ever land.

I urge you, if you come from rural and small town America, if you care about the NFIB rating, and if you serve on the Committee on Agriculture, vote against this substitute and support the bill.

AMENDMENT OFFERED BY MR. MINGE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SAXTON

Mr. MINGE. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

Mr. SHUSTER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore (Mr. ENSIGN). The gentleman reserves a point of order on the amendment.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MINGE to the amendment in the nature of a substitute offered by Mr. SAXTON: ''Page 130, after line 5, add the following: '(5) Agricultural Permit Authority.—The Secretary of Agriculture is authorized to issue permits in accordance with this section for any activity resulting from normal farming, silviculture, aquaculture, and ranching activities and practices carried out on agricultural lands or for any activity incidental thereto carried out on agricultural lands if the agricultural land is not subject to sections 1221–1223 of the Food Security Act of 1985 (16 U.S.C. 3821–3823). Any activity allowed by the Secretary of Agriculture under sections 1221–1223 of the Food Security Act of 1985 (16 U.S.C. 3821–3823) shall be deemed permitted under this section and no individual request for or granting of a permit shall be required.'''

''Page 146, after line 7, add the following: '(z) Mitigation of Agricultural Lands.—Any mitigation approved by the Secretary of Agriculture for agricultural lands shall be accepted by the Secretary as mitigation under this section.'''

Mr. MINGE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MINGE. Mr. Speaker, I would like to briefly discuss the reason for this amendment. The problem that we face in rural areas with wetland delineation and permitting under section 404 is largely a problem that results from several Government agencies trying to make decisions about the same land. We have the Army Corps of Engineers, the Environmental Protection Agency, the U.S. Department of Agriculture, and the Fish and Wildlife Service all focusing on what ought to be done. The farmers and others in the rural area have found that this vast array of agencies at the State, Federal, and

local level has resulted in delays of years, frustration, expense, and despair.

What is important I believe is that we clearly recognize here in Congress that although we have committees and we have jurisdiction and are concerned that we maintain clear lines of authority, that out there in the field, in the real world, it is terribly important, individuals, that we at the Federal level speak with one voice.

The purpose of my amendment is to make it possible for farmers and rural America to ask for an opinion on whether or not their situation requires a permit, whether or not mitigation that is acceptable to one Federal agency is acceptable to another, and have a straight answer from one Federal officer.

I submit that part of the credibility that we as Members of Congress and the Federal Government face is that we have been unable to put things together so that our agencies do in fact work with one voice, and we have one-stop shopping.

For this reason, Mr. Chairman, I request that this body approve this amendment and improve the way that we deal with people in rural America. This is not an amendment that goes to the merits of the legislation in terms of policy decisions, over what should and should not be a wetland. Instead, it goes to the procedure by which people deal with our Federal agencies. I request that this amendment be passed.

□ 1830

Mr. SHUSTER. Mr. Chairman, I withdraw my reservation of a point of order. As I understand, the amendment will be accepted by the author of the substitute, and we may have problems with this, but we can fight that battle within the context of the whole substitute.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, on behalf of the authors of the substitute, we do accept the amendment. We believe that it goes to the best interests of the farmers that the gentleman from Kansas was speaking so eloquently about just a few minutes ago. We commend the gentleman for his foresight in bringing this matter to our attention.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I would like to compliment the gentleman, too, because we are vitally concerned with the interests of agriculture. The gentleman has evidenced a sensitivity to that, and we are glad to accept that proposal.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would just say, as one of the authors of the substitute as well, that we feel that we want to do everything we can to work closely with agriculture. We feel this improves the bill for farmers, for conservation, and for the convenience of farmers as one-stop shopping. And we are happy to accept the amendment.

The CHAIRMAN pro tempore (Mr. ENSIGN). The question is on the amendment offered by the gentleman from Minnesota [Mr. MINGE] to the amendment in the nature of a substitute offered by the gentleman from New Jersey [Mr. SAXTON].

The amendment to the amendment in the nature of a substitute was agreed to.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Saxton-Boehlert substitute to the Clean Water Act. I have serious concerns about the impact of certain provisions of H.R. 961 on my State of Connecticut.

First, the Shuster bill repeals the coastal water protection program established by the Coastal Zone Management Act, which recognizes the unique water pollution issues facing coastal States and requires these States to take special steps to control nonpoint source pollution.

Connecticut has been a leader in this area, developing an innovative and successful program. Scaling back the Federal program would have serious negative consequences for my State's shores because no matter how committed Connecticut is to coastal quality, negligence by neighbor states could pollute our shores and our waterways. Nonetheless, the significant changes in the Coastal Zone Management Act are long overdue and to address these problems with the current program, the Saxton-Boehlert substitute adopts the recommendations made by the coastal State Governors, to preserve the benefits of the Coastal Zone Management Act but gives States greater flexibility to delineate the scope of their managed areas, expand the time frame for implementation of reforms and allow States to select and prioritize the projects they believe will address their nonpoint source pollution problems.

Given the facts that in the past 5 years over 10,000 beaches in the United States have been closed because of coastal water pollution and that over one-third of all shellfish beds are closed or threatened by water pollution, including 32 in Connecticut, we must focus greater attention, not less, on the problems of water pollution in our coastal zones.

This is both an economic and an environmental imperative. The pollution threatening our coasts stems mainly from nonpoint sources, storm water runoff from urban, suburban, commercial and industrial areas now accounts for 30 percent of water quality impairment. The current Clean Water Act mandates a program to control polluted storm water from municipal industrial sources and has already been phased into effect in most of the largest cities and industries.

Even though 342 cities and 134,000 industrial sources already have their permit and abatement programs in place, the problem of controlling storm water runoff has proven to be quite complicated. EPA has placed a 6-year moratorium on any new requirements on smaller cities or smaller industries while it works out the problems the programs have encountered in regard to small cities and small businesses.

The substitute adopts the EPA moratorium as law and extends it for 10 years. This is the right approach, because it maintains the pressure on States to deal with these issues while at the same time relieving States of taking irrational steps in regard to small towns and small industries.

Another provision with serious potential implications for Connecticut is the wastewater treatment standards, specifically secondary treatment waivers. The current Clean Water Act establishes secondary treatment as a minimum standard for municipal sewage treatment plants, governing how clean wastewater must be before it is discharged into rivers, oceans and other bodies of water. All municipally owned sewage treatment plants were required to provide secondary treatment by 1988 and all municipal facilities in Connecticut have already attained at least secondary treatment capability and some have gone beyond that standard.

Despite the fact that this requirement has been in effect for almost 7 years, the underlying bill seeks to exempt towns of less than 10,000 people from secondary treatment requirements.

Along the Connecticut River, which cuts through the heart of all of New England, this exemption would create havoc. Most of the towns in New England are smaller than 10,000 people. A town of 10,000 people gives off a million gallons of sewage a day.

Like most other States, Connecticut still has a long way to go in achieving its clean water goals. More than a third of the assessed rivers and estuaries cannot sustain fishing, permit swimming or maintain aquatic life year round. Exempting the majority of our towns as a majority of less than 10,000 people from secondary treatment requirements will not continue the progress we have made at great expense.

Finally, I am pleased to support the wetlands provisions of the Saxton-Boehlert substitute. This title adopts the recommendations of the National Governors Association with input from State wetlands managers.

I would remind Members that both in the wetlands section and in the coastal

management section the Boehlert substitute simply adopts the recommendations of the State Governors for the reforms that their people say are needed in these programs.

I am troubled by title VIII of H.R. 961 for several reasons. The bill establishes a new entitlement for property owners whose property value is diminished by 20 percent. We have discussed this at great length. I will not repeat that discussion.

Secondly, the bill would require the Army Corps of Engineers to classify all wetlands into three categories with only the top category being fully protected.

The CHAIRMAN pro tempore. The time of the gentlewoman from Connecticut [Mrs. JOHNSON] has expired.

(By unanimous consent, Mrs. JOHNSON of Connecticut was allowed to proceed for 1 additional minute.)

Mrs. JOHNSON of Connecticut. Mr. Chairman, this would have a harsh effect on Connecticut where at least 60 percent of the wetlands would be declassified. Though I support the concept of classifying wetlands, this bill sets out criteria for classification not based on sound science, according to the newly released National Academy of Sciences wetlands report.

Further, the costs associated with classifying every wetland in the Nation would be staggering. A far less extensive plan to map all flood plain areas, which in Connecticut we have accomplished, wound up taking 10 years in the nation and cost a billion dollars.

In contrast, the substitute's wetlands provisions allow the Army Corps greater flexibility in wetlands delineation and encourage states to adopt their own permitting program independent of federal control. It encourages wetlands classification based on science with exceptions only for certain functioning wetlands and certain agricultural lands.

State and individuals have had difficulty applying current wetlands laws in recent years, but I am confident that the proposal put together by the States themselves and incorporated in the Saxton-Boehlert substitute addresses these problems effectively.

The CHAIRMAN pro tempore. The time of the gentlewoman from Connecticut [Mrs. JOHNSON] has again expired.

(By unanimous consent, Mrs. JOHNSON of Connecticut was allowed to proceed for 30 additional seconds.)

Mrs. JOHNSON of Connecticut. Mr. Chairman, faced with serious water quality problems a generation ago, the state of Connecticut passed its only Clean Water Act, and this is why I wanted the 30 additional seconds. We passed the first one.

The Federal law is modeled on our act. And since its passage, we have become the Nation's leader in the production of oysters because we have so cleaned up our offshore waters. With that, I ask Members' support of the Boehlert amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the substitute offered by the gentleman from New Jersey [Mr. SAXTON], the gentleman from New York [Mr. BOEHLERT], the gentleman from Indiana [Mr. ROEMER], as amended by the gentleman from Minnesota [Mr. MINGE]. This substitute amendment is a reasonable alternative to H.R. 961, and I urge all of my colleagues to support it.

The substitute lessens the devastating impact of H.R. 961 by including the recommendation of the National Governors Association for protecting wetlands.

In addition, it incorporates a proposal for addressing coastal nonpoint pollution developed by the Coastal States Organization. The substitute, unlike H.R. 961, will not roll back toxicity standards that are working, and it will not provide a laundry list of exemptions for various industries to release new pollutants at will.

Mr. Chairman, of special concern to my state of California and to all coastal States, and I might add my native State of Maryland, home of the great Chesapeake Bay, is a provision which repeals the only existing program for reducing agricultural and urban runoff. This type of runoff is an especially significant contributor to coastal pollution and results in the closing of beaches, declining coastal fisheries, threats to drinking water and the shutting down of the shellfish beds. We are all concerned about the enforcement of regulations over the wetlands. We have heard this over and over, and I think it deserves attention. But, Mr. Chairman, this legislation goes too far because it affects millions of acres of wetlands by allowing these natural areas to be developed and polluted.

This would jeopardize over 75 percent of our fish and shellfish, which depend on marshes and other wetland environment.

Wetlands are an integral component of both the environmental and economic health of our Nation. They provide important recreational benefits, natural flood control, reduce shoreline erosion and water purification through filtration of sediments and toxic pollutants from runoff. The provisions of H.R. 961 would cause irreparable damage to these sensitive lands.

Mr. Chairman, the Clean Water Act is a tremendously complex piece of legislation dealing with national issues of critical importance. Unlike previous reauthorizations, however, H.R. 961 fails to make progress toward a cleaner environment.

Mr. Chairman, the substitute offered by our colleagues is reasonable and sensible, when compared to H.R. 961. Virtually every provision of H.R. 961 is harmful to both people and the environment and would degrade rivers, streams, estuaries, wetlands, and coastal zones throughout the country, including the sources of drinking water for two-thirds of all Americans.

Our Nation will never have a clean bill of health in any respect without clean water. I urge my colleagues to support the Saxton-Boehlert-Roemer substitute and to vote ''no'' on H.R. 961.

Mr. SAXTON. Mr. Chairman, may I inquire of the Chair, with the gentleman from Indiana, if we might explore limiting debate time to perhaps an additional period of time. May I ask the gentleman, how many additional speakers he believes he may have.

Mr. ROEMER. Mr. Chairman, we have one additional speaker.

Mr. SAXTON. I believe on our side we have three or four, possibly three additional speakers.

Mr. BORSKI. Mr. Chairman, I think there is one speaker in support of the substitute and one in opposition to the substitute on this side.

Mr. SAXTON. Mr. Chairman, I ask unanimous consent that we limit additional debate time to 30 minutes, to be divided equally between the proponents and the opponents of the substitute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. BOEHLERT. Reserving the right to object, Mr. Chairman, I think that works contrary to the interests of the authors of the amendment because there are four of us who wish to speak as advocates, so those four should each receive 5 minutes. I think there are two opposed. That would be four and two. So there would be seven more speakers, 5 minutes apiece.

Mr. SHUSTER. There are four opposed. Four are in favor, four opposed. That is 40 minutes.

Mr. SAXTON. If we could limit debate to 45 minutes, that would take care of the situation.

Mr. BOEHLERT. Mr. Chairman, I withdraw my reservation of objection.

Mr. SAXTON. Mr. Chairman, I ask unanimous consent that we limit further debate to 45 minutes, to be equally divided between the opponents and proponents.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. BORSKI. Reserving the right to object, Mr. Chairman, could we just limit it to seven speakers, 5 minutes each?

□ 1845

Mr. SAXTON. Mr. Chairman, I amend my unanimous-consent request.

Mr. BORSKI. Mr. Chairman, I withdraw my reservation of objection.

Mr. SHUSTER. If the gentleman will yield, I understand he has 4 in favor and we have 4 opposed, so that is 8.

Mr. SAXTON. I amend my unanimous consent request to that effect.

The CHAIRMAN pro tempore (Mr. ENSIGN). The pending unanimous consent request is to limit debate on the Saxton amendment and amendments thereto to 45 minutes, controlled by

the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Pennsylvania, [Mr. SHUSTER], and they will yield debate as they see fit.

Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we have had considerable discussion on this floor about the role of science in the consideration of this legislation, and legislation in general. Surely I would agree that we, as Members of Congress, have the responsibility to write the laws, but we also have a responsibility to take into account the facts of nature that scientists can describe for us. In that regard, there is an anecdote that may shed some light on this issue.

As we know, Mr. Chairman, from our high school geometry classes, the ratio between the diameter of a circle and the circumference of a circle is known as pi, and is equal to roughly 3.14159. It is a long decimal number that is hard to remember, so in 1897 the legislature of the State of Indiana decided that they would make life easier for high school students by passing a law that the value of pi would be 3.0 exactly.

Mr. Chairman, the legislators of the State of Indiana had it wrong, because regardless of what any legislature or Congress says the value of pi is, it will remain and will always be 3.14159.

There is a parallel here to the legislative definition of wetlands. Wetlands are defined by what they do in nature. They are not defined by any arbitrary formula written in legislation. Wetlands are useful. Wetlands control flooding. Wetlands provide wildlife habitat. Wetlands provide water purification and aquifer recharge.

If lands are covered with water for any period of time, and they perform those functions, they are wetlands, regardless of what the committee says, regardless of what this Congress says. We should recognize that, and we should protect the value of the wetlands because of what they do.

Mr. Chairman, in my State of New Jersey, the arbitrary legislative definition of wetlands proposed by this bill will devastate wetlands protection. That is why I support the Saxton substitute. According to the New Jersey Governor's office, under the provisions of H.R. 961, 90 percent of New Jersey's remaining wetlands will no longer qualify as federally protected. Most of the State's remaining wetlands are invaluable to flood control, but they do not meet the test that is set forth in the legislation that they have to be wet in the growing season for at least 21 consecutive days. This is a hard blow to a State that has lost 50 percent of its wetlands to development over the last 25 years.

Michigan and New Jersey are unique in that they are the only two States in the Union that have assumed wetlands delineation authority from the Federal Government under a provision of the 1987 act. While it is true that H.R. 961 places no restrictions on a State's ability to run its own stricter wetlands program, because of the State's assumption of the Federal program, there is no separate State-run program in New Jersey. New Jersey's laws and regulations are all based on and refer to definitions and legislative language in the current section, 404. Therefore, by changing section 404, we are limiting the ability of the State of New Jersey to protect its own wetlands in the manner that its own legislators have chosen to do.

To retain the current level of protection, the State legislature must pass a new set of wetlands laws without section 404 references, and promulgate new regulations with the normal lengthy notice and comment process. This will put the few remaining wetlands in my State of New Jersey at considerable risk.

According to Congressional Quarterly, wetlands save this country $31 billion a year as a result of flood mitigation. New Jersey rightly does not want to expose the communities along the Raritan River, the Passaic River, the Delaware River, to the enormous damage of flooding that has occurred in recent decades and in recent years in our State. However, that would be the effect of this legislation, unless it is amended by the Saxton substitute.

In addition, CBO scored H.R. 1330, the bill on which the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], based title VIII of this legislation, to cost $10 to $15 billion to protect only type A wetlands. Congressional Quarterly estimates that the American taxpayers could shell out up to $45 billion if the Army Corps of Engineers does not permit development of all the wetlands covered by H.R. 961. Because the corps has a budget of only $4 to $6 billion, this poses an obvious problem. I urge my colleagues to vote for the Saxton amendment.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. First of all, Mr. Chairman, I would like to thank the chairman for the earlier recognition. At this time I would have been swimming out of the mouth of the Red River over North Vietnam, and I want to tell the Members, it was not a river of pollution that you would want to swim in, or your children to swim in.

Would a Clean Water Act help clean up that river? Absolutely. Would the current Clean Water Act of today be supported by members? I think with clearer definitions. however, the last gentleman from New Jersey, according to him, a mud puddle that would replenish the aquifer would be considered a wetland. That is the lunacy of the bill. That is why, exactly why we are fighting.

There is probably not a Member in here that would not support the current Clean Water Act. There is not a Member that would not support the bill offered by the gentleman from New Jersey [Mr. SAXTON]. The clean water and clean air and endangered species, and yes, even the EPA, the organization, would be supported, but they have gone too far. There have been extreme cases.

However, there are honest attempts, and I appreciate, first of all, the dialogue. I do not think there has been a lot of mudslinging on either side of the issue. We have been talking about the issues, and they have been honest. I think they have been honest attempts to achieve elemental environmental security.

However, we have in this body fundamentalists, fundamentalist leftists, that have violated the interests and used the well-meaning legislation to the extremes. I am not talking about the gentleman from Indiana [Mr. ROEMER] or the gentleman from New Jersey [Mr. SAXTON] but there is an element in this organization that are extremist, and they have used these bills, aforementioned, as weapons against people.

Why are we even having a substitute, or a bill in the first place? To me it is not the Clean Water Act, it is to come somewhere within logic of what reasonable men and women would have us to save the environment. However, that has not been the case. That is why I think both the substitute and the bill is to try and bring us somewhere back to the center.

If we take a look, I had 3 Russian generals come into my office a few months ago. I asked one of them what was the most treasured right that they had gained since they had their freedom. They said ''Congressman, it is the right to own property.''

The problem is, for every item that I read here, there are going to be items on the other side that are violated. I recognize that. However, for example, in private property rights, I personally believe it is wrong from environmentalists, often extreme groups, to go in and take on somebody's property, devalue that property, and then say that is fair market value. That is wrong. However, that has existed.

I think that is why these laws and why these substitutes and bills have been changed, they are trying to change the current act, because there have been those violations.

Mr. Chairman, I look at Mexico. We discussed here once about a boy that was lost for three days, and the helicopter could not land because he went into a wilderness area. Fish and Game would not allow the helicopter to land. That is ludicrous. That is stupid. However, those kinds of things are allowed to exist.

In California, we had homes where the people had asked if they could disk around there homes because of the fire. We have a lot of fires and earthquakes

in California. They said ''Can we disk around them?'' They said ''No, because it is an endangered species area.'' We lost 34 homes. The people that went ahead and did it and violated the law saved their homes. That is wrong, Mr. Chairman.

For each of those issues that I could talk about, about the violations, we look at the Colorado slag, we look at the pollution in the Great Lakes. Talk about the Chesapeake Bay, look how the Great Lakes have been cleaned up.

There are advantages to the current Clean Air Act and Clean Water Act and endangered species. However, something has to bring the legislation to where logical decisions can be made, not by regulators. Government officials run amok, whether it is an RTC or whether it is an environmental group, they run amok. We have to change that.

California, the No. 1 economic product in California is agriculture. Yet, agriculture in the past, pesticides go into the lakes and into the rivers and into our oceans, where the gentleman from California [Mr. FILNER] is from. Down there in the district, we need to clear that up. It is not so much our outfall in sewage, it is the Tijuana raw sewage that is coming out of Mexico that is polluting our beaches. We need to attend to that.

I think there is an honest attempt for the Members in favor of the substitute and the Members in favor of the bill to resolve not the Clean Air Act, but to resolve logical decisions. That has not existed in the past.

Mr. SAXTON. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Saxton-Boehlert-Roemer substitute and in opposition to H.R. 961 as reported. Members know I feel strongly, because I waited all afternoon to speak.

Mr. Chairman, among all of our environmental protection efforts, the Clean Water Act stands as a shining success story and as an international model.

In the twenty years of this program, the quality of our rivers, streams, and coastal waters has dramatically improved. The percentage of waters failing to meet swimming safety criteria has fallen. Ohio's Cuyahoga River, which once attracted firemen, now attracts fishermen. And our own Chesapeake Bay is making tough, halting steps on the long road to recovery.

Protection of wetlands is crucial both to the protection of our wildlife and the maintenance of our water quality. Wetlands are vital biological filters, removing sediments and pollutants that would otherwise suffocate our waters. Over half of the nation's wetlands have disappeared since the time of Columbus. Recognizing the importance of this resource, President Bush pledged ''no net loss of wetlands'' during his administration.

Sadly, we are falling short of even this modest and reasonable goal. During the 1980's, despite the scientific recognition of the value of wetlands, our own Chesapeake Bay lost wetlands at the rate of 8 acres a day. No resource can long endure such depredation.

The Chesapeake Bay remains in a precarious state. Our oyster and shad fisheries are virtually gone; blue crab, the region's premier catch, has fallen into precipitous decline.

We have made great progress in other areas: point-source discharges of phosphorus to the Bay have fallen off by 70 percent and we are beginning to make strides controlling nitrogen contamination.

Those positive strides are directly attributable to the Nation's aggressive Clean Water Program. Much more needs to be done, particularly in the control of agricultural and municipal runoff. I am disappointed that H.R. 961 would allow decades of delay before we seriously address these problems.

Furthermore, the redefinition of wetlands under the Committee bill will remove vast areas from the scope of legal protections. I stood here on the floor two months ago as we debated risk assessment, and one principle we all agreed on was the need for the best possible science in formulating our environmental strategies.

We now have a situation where, at the expressed request of Congress, the National Academy has performed an exhaustive scientific analysis of the wetlands issue. Their conclusions are antithetical to those in H.R. 961. Are we in Congress, committed to good science, to ignore the verdict of the nation's foremost scientific advisory body?

H.R. 961 would divide currently protected wetlands into three categories. Wetlands at the lower end would effectively lose protection. I am reminded with a hint of irony of those famous words of Julius Caesar: ''Gaul is divided in three parts.'' Division of the province into three sections was the prelude to subjugation.

H.R. 961 would undermine the health of the Bay, and, in the process, undermine the health and economic well-being of the residents of this region. I opposed private property takings legislation before; I will oppose it now where it applied to the preservation of wetlands.

There have been costs for this progress, but the benefits have been immeasurable. It would be unfortunate indeed if this Congress were to succumb to the whim of the moment and undercut this crown jewel of our nation's environmental efforts. I urge defeat of H.R. 961 and passage of the bipartisan substitute.

□ 1900

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Chairman, I would commend to the attention of my colleagues words from the Mesa Tribune in March of this year. Mark Flatten and Chris Coppola write the article. ''In Arizona, sewage must be treated to drinking quality standards before discharged so that it won't harm phantom fish in a dry river.''

The passage points up the challenge we face, the absurdity of regulation run amuck. For that reason, I stand in opposition to the amendment and in strong support of H.R. 961.

I have good friends who sponsor this amendment. I have no doubt to the nobility and the aim and the intent of the amendment. Here is my problem, colleagues. It seems to me that though the amendment is born of a noble impulse, it assumes the worst about duly elected representatives at the State level.

In other words, the assumption is that our friends in the State legislatures, that our friends in local and county government cannot move effectively to solve problems on their own. Indeed, the overwhelming sentiment and the underlying philosophy of the first 100 days of this new Congress was this concept: That those on the front lines can best fight the battles.

I am pleased to hear of the strides here on the East Coast. I am pleased to hear of the improvements, and indeed no one in this body, I believe, disputes the notion of the need a quarter century ago to stop and take stock of pollution and move toward meaningful conservation. But the problem comes, as I see it, in making the Federal Government always the instrument, and indeed making the unelected the final arbiters of what measures should be taken.

With that, I oppose the amendment, and I stand in strong support of H.R. 961.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, the gentleman points out some legitimate concerns, reading from that Arizona publication. I wish to point out that in title III, section 301, entitled ''Arid Areas,'' we address the legitimate concern you have. So the substitute does address that legitimate concern.

I thank my colleague for yielding.

Mr. HAYWORTH. I thank my friend.

Mr. SAXTON. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the Boehlert substitute here today. I would like to say why because I have a great deal of respect for the sponsor of the bill itself.

Having worked in this area for 20 years in the State of Delaware, I have seen that of all the pieces of environmental legislation which I think have actually worked, that the Clean Water Act probably stands at the top. I believe that the substitute does more to support that original piece of legislation, but correcting or remedying some of the problems which existed, than does the actual bill before us.

I believe that the substitute deals with the problems of wetlands, it gives more control to the States, but it does not give up the wetlands which are a valuable source of nutrients, as we know. I believe that it preserves the Coastal Zone Management Act, which is extremely important.

We have the Delaware River and Bay in my State, and I cannot tell you how important that is to the environment of our State. The revolving loan fund is extremely important for infrastructure as far as water is concerned. The financial and technical needs of the farmers are something else that sometimes we overlook. That is a very dramatic problem that they are dealing with, and they are right on the edge of the water in many instances.

The stormwater program, which would be repealed by H.R. 961, is of vital importance. We have had to close our oceans, I have had to actually close down swimming in Rehoboth Beach, DE, because of stormwater runoff, and the same thing is true of non-point source pollution. It is the exact same thing. We get to the point where we actually have to close swimming and take other measures because of pollution caused by non-point source pollution. It does not have what I consider to be an onerous takings provision.

For all of those reasons, but mostly because ultimately when you are managing these kinds of programs and trying to create clean water in your jurisdiction, you have to take all these different aspects and you have to add them all up.

In the aggregate, eventually you begin to clean your water and you get rid of the burning rivers and you get rid of where the fish could not live. Eventually you get to the point where waters are swimmable, and you get to the point where our children can enjoy it for some period of time into their futures.

For all those reasons, I do support the bipartisan substitute. I would encourage all of us to do it.

Mr. SAXTON. Mr. Chairman, the gentleman from New York [Mr. BOEHLERT] is going to be our last speaker. If I may, Mr. Chairman, I wish to yield whatever time the gentleman from Delaware [Mr. CASTLE] did not use, in addition to the 5 minutes, to the gentleman from New York [Mr. BOEHLERT].

The CHAIRMAN. The gentleman from New Jersey [Mr. SAXTON] has 16 minutes remaining.

Mr. SHUSTER. Mr. Chairman, does the gentleman not have two more speakers?

The CHAIRMAN. The gentleman from Pennsylvania has 19½ minutes. The gentleman may divide that as he wishes with his speakers.

Mr. SHUSTER. Mr. Chairman, I have two more speakers.

The CHAIRMAN. But the gentleman has 19½ minutes left under the agreement.

Mr. SHUSTER. I would ask the Chair to recalculate. I do not think that is quite accurate.

The CHAIRMAN. To the gentleman from Pennsylvania, I would say, if he has two more speakers remaining, under the agreement, as I understand it, each speaker has 5 minutes.

Mr. SHUSTER. So we have 5 minutes apiece. That is 10 minutes on our side.

The CHAIRMAN. If that is what the gentleman from Pennsylvania is asking for, that is fine.

The gentleman from New Jersey is requesting that the gentleman from New York close; is that correct? The gentleman has no more speakers?

Mr. SHUSTER. He would close on their side. I have the right to close, but he would have 5 minutes plus whatever minutes are left over, a total of 8 minutes.

PARLIAMENTARY INQUIRY

Mr. SHUSTER. Mr. Chairman, if I might, let me put this in the form of a parliamentary inquiry.

My understanding, then, is that on our side we have a total of 10 minutes. I am going to next yield 5 minutes to the gentleman from Louisiana [Mr. HAYES]. Then the gentleman from New York [Mr. BOEHLERT] will be recognized for his 5 minutes, plus the 3 that has been yielded, so he will have 8 minutes to close on his side. Then I will close the debate for 5 minutes. That is my understanding of the parliamentary situation. Is that accurate?

The CHAIRMAN. Pursuant to the agreement made earlier, the gentleman still has 19½ minutes remaining. After his second speaker, he may yield back the balance of his time if he wishes.

Mr. SHUSTER. I would say, then, Mr. Chairman, that I think our agreement is that we will both yield back our time, so we will take a total of 10 minutes and the gentleman from New York [Mr. BOEHLERT] will take a total of 8 minutes, so there will be a total of 18 minutes used.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent that we could reclaim some of the time that was yielded back. We have the gentleman from New York [Mr. BOEHLERT] who wants to close. However, we have the gentleman from South Carolina [Mr. SPRATT], and I would ask if we could give 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SHUSTER. I do not object to the 3 minutes, Mr. Chairman, but our agreement is that we will have 10 minutes left and the other side will have 5 plus 3, or 8 minutes left.

Mr. ROEMER. Eight minutes is fine.

The CHAIRMAN. Without objection, so ordered.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, this has been a wonderful debate. The gentleman from Louisiana [Mr. TAUZIN] and I have particularly enjoyed it because it was so informative for us to have an opportunity to learn what we learned today.

Starting early this afternoon, we learned that the bill that he and I had been working on for over 10 years, even though we sent over 900 copies of what was then H.R. 1330 to every environmental organization, every Member of Congress and everyone else when it was first filed in 1987, his property rights bill that was filed in the mid-1980's that has been discussed in just about every forum possible was in fact done in the dead of night, in seclusion, rushed without hearings.

He and I have attended between us 32 hearings on this subject in the time he and I have been in Congress and yet that is rushed through.

So what are we told to do? We are told by certain elements of leadership to vote against that product because it was not aired to the fullest degree. So what are we supposed to vote for?

Well, we have one speaker after another saying ''Well, it's obvious, you vote for the substitute,'' that was released at a press conference two days ago that is 250 pages long, that has never had one hearing on one section, that has no idea by whom it was written, did not participate in a committee or subcommittee process, and that is open and above board.

The gentleman from Louisiana [Mr. TAUZIN] and I, and we are referred to on occasion as sneaky, but this elevates the term to a whole new level. And then we are told an even more extraordinary thing.

We are told, ''Well, wait for the science. Wait for the science.'' We have had 16 different scientific studies in the last decade. We waited for the study that is not before us and has been mentioned on several occasions 19 months after its due date.

The results of that study, by the way, absolutely no one has mentioned clearly. After 3 years and over $1 million, a group of eminent scientists, paid by the EPA, concluded that the 1987 manual written by the EPA was the thing to do. I am shocked at the conclusion.

What is incredible to me is it took 3 years to figure out who was footing the bill so you better do what they told you in the first place, and that to me is the biggest, biggest element of surprise.

But even more so, I am told that we should examine this study, even though it says do what you did in 1987 that did not work, caused everyone in America to complain about it, and required that you are on the floor here

today amending it, even though that is the conclusion they have, we should take time to study the document because it was not released until 6 p.m. on Tuesday, for some people.

For others, it was released days earlier in order to allow those people who agreed with the study that said 1987 was the right thing to do after the cost of $1 million, to give them additional opportunity to prepare to place it in legislation in the above-board and open process.

My copy of it says ''Advance Copy Not To Be Released Till 6 p.m. on Tuesday.''

That does not sound scientific, does it? Unless of course we include the field of political science in which I got my degree.

The next extraordinary thing that I consider before us is the most unusual dissertation of all, and that is on individual rights. ''We do not need to change the law. The law is working well.''

I have heard some unusual examples of it. I heard about a stadium in Cleveland as a success story, even though the adjoining property houses a museum that a former Congressman from Cleveland had to get a waiver placed into a piece of legislation before my committee because it had been declared navigable. The successful stadium is in the jurisdictional waters of the United States unless your Congressman had enough influence to get it out.

I think the rest of America that does not have that individual influence to effect a piece of legislation ought to get the same break the gentleman from Pennsylvania [Mr. SHUSTER] is trying to give everybody.

I heard another example about State regulators in South Carolina saying we are for the substitute. Understand, South Carolina is the same State where Mr. Lucas had to go all the way to the U.S. Supreme Court to get his rights finally preserved by the court.

You know what they said? They said, ''Mr. Lucas, South Carolina is wrong, their State regulators are wrong, their zone management is wrong, you were cheated, and we're going to give you over $1 million.''

□ 1915

You know what the State did to pay the judgment? Since they got the property, they sold it to someone to build a house, which is what Lucas wanted to do in the first place. So when they needed the money they did precisely what they told him not to do.

And I am supposed to be told this is the system that works? I am suppose to support a bipartisan substitute?

We had a committee vote in which half of the Democrats, overwhelming majority of Republicans voted for the bill of the gentleman from Pennsylvania [Mr. SHUSTER]. If that is not bipartisan I do not know what is. So I am going to support the bipartisan measure and oppose the substitute, which remains to be seen where the chips may fall in bipartisanship.

Mr. SAXTON. Mr. Chairman, I yield the remainder of our time to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I yield to my colleague, the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding. I would like to rise in support of the Saxton-Boehlert-Roemer substitute. I support amending section 404 of the Clean Water Act. The district I represent is largely rural, and farmers in my district have real concerns about the way in which agricultural wetlands have been regulated, and I understand that because I own a farm myself and it has about 200 or 300 acres of bottom lands on it. I understand farmers' concerns about being overridden by the Corps of Engineers.

At the same time, in my State in particular, the gentleman who was just in the well referred to the State of South Carolina. We adopted a Beachfront Management Act to control the development of our beachfront. We have a Coastal Zone Management Act because we recognize the benefits of wetlands to one of the largest industries in our State, the tourism industry, a large and growing part of our economy, and our environment will benefit and what wetlands yield for water quality helps tourism, home owners, and farmers alike.

Title VIII, section 8 contains the language that is essentially the same as that the gentleman who just spoke offered in H.R. 1330 in the last Congress. I did not cosponsor it then. I do not cosponsor it now. I do not support it now because I think a national classification system as mandated in the bill is not workable. It mandates a national system for classifying it. The Corps is instructed to classify the land of any property owner who requests it and is required to get it done in 10 years' time. Not one single organization or person that I have heard has explained how the Corps, already overburdened, will be able to classify every single wetland in 10 years. Nor have I heard why all of a sudden property owners want to welcome the Corps of Engineers onto their land to decide whether or not it contains wetlands.

Mr. Chairman, the Saxton-Boehlert-Roemer substitute is a good piece of work. It is reform without going too far. I wholeheartedly support it and urge others to do likewise. I thank the gentleman for yielding.

Mr. BOEHLERT. Mr. Chairman, I thank my colleague.

Mr. Chairman, now we come to the moment of decision. The vote on our amendment presents this House with a clear, stark question: Are we truly for reform of the Clean Water Act, or is the word reform simply an alias to mask the evisceration of our Nation's most successful environmental statute?

That is the choice. If what Members want is to retreat on the Clean Water Act, support H.R. 961 as reported. However, if what they want is true reform of the Clean Water Act, this substitute provides it.

Let me give some of the details that highlight the difference between reform and repeal.

Let us look at the wetlands provisions. Are there problems with the wetlands provisions of current law? Of course there are. My district has wetlands, including agricultural wetlands. I know there are problems. How would H.R. 961 propose to deal with these problems? By allowing the wholesale elimination of wetlands, wetlands that purify our waters, and prevent flooding.

Is that a remedy?

And on what basis does H.R. 961 allow the destruction of these wetlands? Certainly not on a scientific basis. The National Academy of Sciences' distinguished panel on this issue has stated that the definitions in H.R. 961 have no scientific basis, and with all due respect to my distinguished colleague from Louisiana [Mr. HAYES] let me point out that these eminent scientists are not paid by the Environmental Protection Agency. There services are on a voluntary basis the Environmental Protection Agency only pays the National Academy of Sciences for printing and distribution of the report.

The wetlands provisions of H.R. 961 would not reform current law. They would reform the surface of the Earth by allowing the destruction of precious wetlands.

Our substitute on the other hand propose true reform. Where do our wetlands reform provisions come from? From the National Governors' Association, not exactly a bunch of treehuggers. We give the States more control over the regulation of there own wetlands, local control, not Federal control. We take a sensible, middleground approach, State control to allow more sensible regulation without threatening essential wetland protection.

Another example of real reform in our bill, control of coastal zone nonpoint source pollution. H.R. 961 would simply repeal the current program of protection. On what basis? None, really. You do not have to be a scientist to understand the problem runoff causes in coastal areas. All you have to be is someone who has not been able to go to a beach on a hot summer day because the beach was closed because of pollution; 10,000 beaches in America last year. Eliminating the coastal zone program is not reform. It would allow toxic substances to reform our Nation's beaches.

But are there problems with current law? Of course there are. Our substitute would take care of those problems with real reform.

Where did our proposal come from? From the Coastal States Organization, which represents 30 Governors of coastal States. Again not a bunch of environmental radicals. Here again we allow more State control to eliminate red tape while maintaining environmental protection.

And what about stormwater runoff? Same situation. H.R. 961 would just pretend that stormwater does not cause pollution, despite all of the scientific evidence to the contrary. Are there problems with current stormwater law? Of course there are. We offer real reform. We create an exemption for cities with populations under 100,000 and for light industry. Regulations of these entities may not be worth the cost of compliance, and we recognize it. But we do not allow larger cities and major industries to just return to using our Nation's lakes and rivers as sewers.

What about point source pollution? We cannot ignore this. More than 40 percent of the Nation's waters are still impaired, so in this case we do retain the provisions of current law.

And what about the many other areas H.R. 961 would affect? In those areas 70 percent of the bill, our alternative, 70 percent of that bill retains the language of H.R. 961. There are many areas of agreement.

Where H.R. 961 offers real reform, we adopt its provision. Where H.R. 961 raises the banner of reform to mask environmental degradation, we substitute real reform for sleight of hand.

I urge all of my colleagues to support the bipartisan Saxton-Roemer-Boehlert amendment. It would accomplish exactly what the public is seeking. Our substitute will prevent environmental damage while lessening the burden of regulation.

Our amendment substitutes pragmatism for ideology. Our amendment substitutes reform of regulation for its repeal. Our amendment substitutes hope for the future, not the abandonment of future generations.

I urge passage of the bipartisan substitute alternative.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. WAMP].

(Mr. WAMP asked and was given permission to revise and extend his remarks.)

Mr. WAMP. Mr. Chairman, in both my committees, I have heard from the EPA and specifically from EPA Administrator Carol Browner that they need our help in using sound scientific research to make policy decisions. Many of the complaints I have heard about the EPA over the years is that there seems to be, to put it mildly, a poor match between their decisionmaking and their research. Now I'm not seeking to rake EPA over the coals one more time here, but to offer positive steps to solve the problem. Many of my colleagues agree that it is time to put our money where their mouth is. I offered an amendment in subcommittee, later revised in the full committee and again in consultation with Science Committee chairman Bob Walker's input in the Shuster en-bloc amendment here today, to make sure that in these tight budget times we do not lose sight of the fact that water quality research remains a vital function of how the federal government can participate in making our environment better.

But more importantly, my amendment has the intent not to fund the continued ''paper-pushing research'' of Washington bureaucrats, but to invest in cooperative efforts of localities and small municipalities, counties, and cities to find solutions to their clean water challenges. Specifically, asking EPA to use nonprofit and private organizations with expertise in water quality research, combined with the technical assistance necessary to get that information into the hands of rural and small town water authorities, will give us an independent body of information to make more sound decisions and achieve cleaner water.

I'd like to include in the RECORD a letter I have received from one such independent organization, stating the need for funding such research.

WATER ENVIRONMENT
RESEARCH FOUNDATION,
Alexandria, VA, March 29, 1995.

Mr. BOB CASTRO,
Legislative Assistant, Office of Congressman Zack Wamp, Washington, DC.

DEAR BOB: Thanks for the news that Congressman Wamp is supportive of legislation supportive of water quality research. We believe that increased funding on the national level is critical to ensure:

1. Science base for environmental decision-making. Wastewater utilities are concerned with ''unfounded mandates''. They believe that improving water quality is not a mandate, but a responsibility. Water quality professionals seek assurance, through sound science, that public money spent on water quality improvement programs achieve the desired results.

2. Simply stated, the technology of today is based upon the research of the past. The promise of the future is based upon the research of today.

3. The research needs focus is changing. In the past water quality concerns focused on fishable/swimmable waters and the technical issues of volume of wastewater, suspended solids, organics, and pathogens. The new focus is on health impacts, risk, watersheds, conservation, and others. New technologies are needed to focus on nutrients, toxics, residuals, air, reuse, and prevention.

Thank you for this opportunity to provide additional input. If there is any additional information required, please don't hesitate to contact me.

Sincerely,

GLENN REINHARDT,
Executive Director.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our friends are trying to represent that this substitute is 70 percent of the committee bill. That simply is not true. The substitute guts the committee bill which passed overwhelmingly on a bipartisan basis in committee.

They are trying to portray this substitute as having widespread support. Does the National Governors' Association support it? No. Does the National League of Cities support it? No. Do the State water pollution control officials support it? No. Does the Conference of Mayors support it? No. Do the agricultural groups support it? No. Does the NFIB support it? Not only do they not support it, they list this vote as a key vote as they measure our performance in the Congress. In writing, as we have demonstrated earlier here today, all of these organizations support the committee bill.

In fact, the nonpoint source, the substitute really does damage to what we do in the committee bill. The committee bill requires the States to develop comprehensive nonpoint source management plans. If the States do not develop the programs, the bill requires the EPA to do it.

As far as coastal management is concerned, we do not eliminate coastal management. We fold it into a unified nonpoint source program. So we eliminate the duplicative regulation of nonpoint sources of pollution.

The Boehlert substitute actually will continue this duplicative regulation on behalf of the coastal zone management officials, the bureaucrats who of course want to keep their separate offices and their separate funding.

On stormwater, one of the most glaring omissions in the Boehlert substitute is the failure to address the existing stormwater permitting program.

On unfunded mandates, during the debate on unfunded mandates cited most often were the greatest burdens on local government from the Clean Water Act, and indeed, the Boehlert substitute does not include any flexibility with regard to the unfunded mandates.

On risk assessment and cost-benefit analysis, get this, the Boehlert substitute incredibly completely wiped out any risk-assessment or benefit-cost requirement for Clean Water Act regulations. And on wetlands, this is absolutely extraordinary too. The Boehlert substitute not only does not streamline or reform the 404 program, but it actually adds new regulatory requirements into the existing law, so if you like the wetlands provisions that your people are living under today, you will love what they are going to have to live with under the Boehlert substitute. And yes, we heard from our friends in New Jersey about the loss of wetlands. I would say to my good friends in New Jersey or any other State, your State can pass whatever wetlands regulations they want to pass. If you want tougher wetlands regulations, pass them for your State. Just do not impose your view of life on the other 49 States.

Overall, this substitute guts the bill. If the election in November was about anything, it was about returning back to the States the decision-making process on so many of the regulations that, indeed, we must live under.

So I would urge my colleagues to support the bipartisan bill that passed the committee overwhelmingly, that passed the subcommittee 19 to 5, passed the full committee 42 to 19. Overwhelming bipartisan support.

If this substitute is adopted, we will be gutting reform of clean water, and we will have to go home and tell our

people, tell our farmers, tell our homeowners, tell our small business people we are sorry, we have not really reformed those problems that you have come and told us about. You are going to have to live with the same old EPA, Washington-knows-best mentality.

So I urge Members to defeat this substitute and support the bill, which is true, balanced environmental reform.

Mr. HOYER. I rise today in support of the Boehlert-Saxton-Roemer substitute. This substitute is a reasonable and commonsense reform of the Clean Water Act.

Clearly, the present Clean Water Act needs to be reformed. As the reauthorization debate began there were several different approaches to how to best protect our Nation's lakes, streams, estuaries, and coastal waters.

This substitute will provide relief to farmers, industry, and individual landowners from costly and time-consuming mandates. It will also, however, continue many of the programs and provisions which have made the Clean Water Act one of our Nation's most effective environmental statutes.

The Chesapeake Bay, much of which borders my district, is the largest and most productive estuary in North America. Maryland, Virginia, and Pennsylvania experienced firsthand the bay's low point in the mid-1970's.

The habitat, especially the blue crab population, water quality, and the overall economy of the Bay were at an all time low.

Mr. Chairman, thanks to the Clean Water Act, the Bay and its industries made a remarkable comeback. The Chesapeake Bay Program, in conjunction with the Clean Water Act requirements, led the Bay's restoration.

Today, watermen in my district in southern Maryland, earn a living on the Chesapeake Bay. Previously, we have been up to the task of restoring the Bay and protecting their livelihood, and today their families are relying on us to continue our efforts.

I am pleased that the substitute provides funding for this successful partnership between State, local, and Federal Governments.

The substitute also continues the Coastal Zone Management Program which was initiated to implement coastal nonpoint pollution and control programs.

Nonpoint source pollution today provides us with our greatest environmental challenge, as it is the most difficult to detect and control.

Over 10,000 beaches were closed in the last 5 years due to pollution. Sixteen counties, in my home State of Maryland, make up the coastal zone, well over 65 percent of the State.

This substitute recognizes that our Nation's $400 billion a year travel and tourism industry and $55 billion a year fishing industry are directly reliant upon our coasts and continues our commitment to the Coastal Zone Program.

One of the more controversial aspects of clean water reauthorization has been wetlands reform. Clearly, the Federal Government must continue its commitment and environmental obligations to protect our Nations wetlands.

At the same time, however, wetlands policies have resulted in substantial burdens on our Nations farmers, industry, and individual landowners.

The substitute simplifies and expedites the wetlands permitting process by implementing a plan submitted by the National Governor's Association.

The NGA approached Congressman BOEHLERT in March with their proposal, as they deemed the provisions on wetlands contained in H.R. 961 to be inconsistent with the recommendations of the Nation's Governors.

This proposal will give more authority on wetlands management to the States where action can be more accurate, appropriate, and prompt. It will also make many needed administrative and regulatory changes in the way the system is run.

Mr. Chairman, most Members of this body agree that there are administrative and regulatory problems with the Clean Water Act.

However, the same percentage of Members would also agree about its importance and environmental successes.

This substitute will continue to provide environmental safeguards and promote programs to continue pollution cleanup and prevention well into the 21st century, while also providing regulatory relief to farmers, landowners, and industry.

I urge support for the Boehlert-Saxton-Roemer substitute and support smart, environmentally sound, commonsense reform to the Clean Water Act.

Mr. Chairman, I insert the following correspondence for the RECORD:

NATIONAL GOVERNORS ASSOCIATION,
March 28, 1995.

Hon. SHERWOOD BOEHLERT,
Chairman, Subcommittee on Water Resources and Environment, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We have been greatly encouraged by your willingness, as well as that of Rep. Shuster and others in the bipartisan group, to include states in the development of H.R. 961. We support the intent of that bill to provide substantially greater flexibility to states and local governments in our efforts to protect water quality. We support the Water Resources and Environment Subcommittee in its efforts to expeditiously move this comprehensive legislation reforming the Clean Water Act.

We have not yet completed our review of all provisions of the bill. However, as you know, the provisions on wetlands are not consistent with the recommendations of the nation's Governors. We raised concerns over this issue in our March 22 letter to Rep. Shuster (copy attached). In response to your request, we enclose an alternative approach to wetlands reform developed by the Association of State Wetland Managers, based on NGA policy recommendations. This proposal reflects the state perspective on wetlands management and we urge your consideration of this proposal as a substitute for the wetlands provisions of H.R. 961.

We look forward to working with you in advancing this important legislation, and will be in touch shortly concerning other issues.

Sincerely,

Governor MIKE LOWRY,
Chair, Committee on Natural Resources.
Gov. TERRY E. BRANSTAD,
Vice Chair, Committee on Natural Resources.

Mr. SHAYS. Mr. Chairman, I rise in strong opposition to H.R. 961, the Clean Water Act Amendments of 1995, and in support of the Saxton-Boehlert substitute to the bill.

Maintaining a strong Clean Water Act is essential for Connecticut and the Nation. Unfortunately, H.R. 961 does not build on the success the Clean Water Act has had over the past 23 years. Instead, it rolls back standards, loosens regulations and weakens protections. Under H.R. 961, 60 to 80 percent of our Nation's wetlands would be either removed from any level of protection or destroyed. Industrial pollution standards would be significantly weakened, allowing discharge of industrial waste into lakes, rivers, and harbors. The entire coastal zone nonpoint source pollution control program would be repealed, and the Federal Government would be saddled with payments of more than $15 billion as a result of illogical and unfair takings provisions.

While it is important the Clean Water Act is reauthorized, it must not be at the environmental cost that would result from passage of H.R. 961. The Saxton-Boehlert substitute is a sensible alternative that makes necessary modifications without repealing or rolling back important protections that have contributed to the Clean Water Act's enormous success.

Specifically, the substitute makes improvements over H.R. 961 in four important areas: wetlands protection, storm water management, coastal water pollution, and nonpoint source pollution.

The Saxton-Boehlert substitute recognizes that there have been problems with the wetlands permitting process. But unlike title VIII of H.R. 961, the substitute streamlines the permitting process without leaving millions of acres of wetlands unprotected. It utilizes recommendations made by the National Governors Association to simplify and expedite the wetlands permitting process without establishing a bureaucratic classification system.

Wetlands serve as a breeding ground for fish, are critical habitat for wildlife and are necessary for most migratory birds. They are critical to Connecticut, where they also serve to filter out nutrients and toxics that would otherwise end up in Long Island Sound. The sound is already suffering from nitrogen overload that has resulted in hypoxia—low levels of dissolved oxygen which cause significant, adverse ecological effects in the bottom water habitats of the sound. Local, State, and Federal Government resources are being spent to reduce nitrogen levels in the sound, and it doesn't make sense to counter these efforts by removing wetlands from protection.

H.R. 961 would repeal the entire stormwater program in the Clean Water Act. This is unnecessary and harmful to health and safety. Stormwater is one of our most significant water pollution programs, but H.R. 961 would allow it to be freely discharged into our waters.

H.R. 961 would also repeal the coastal pollution control program. Over the past 5 years more than 10,000 beaches in the United States have been closed because of coastal water pollution. Over one-third of all shellfish beds in the United States are closed or threatened by water pollution. Connecticut is a world leader in oyster production, and this industry is dependent on clean water for prosperity. Repealing the coastal pollution program is harmful for Connecticut economically and environmentally.

The majority of coastal water quality impairment is the result of nonpoint sources of pollution, another major contributor to problems in Long Island Sound. In fact, nonpoint source pollution impairs more water bodies nationwide than any other pollution source, resulting in beach closings and declining fisheries. It threatens drinking water quality and impacts millions of coastal residents. Yet H.R. 961 loosens regulations for nonpoint source pollution. While the legislation authorizes funds for

polluted runoff programs, it doesn't require accountability for the moneys it provides.

Clean water is essential to the economy, health, and livelihood of everyone, not only in my State of Connecticut, but in the entire country. We have made solid progress in clean water protection since enactment of the act in 1972. As we look for improvements to the act and solutions to the challenges that lie ahead, we must be both ambitious and thoughtful. We must seek rational policies that make sense. The Saxton-Boehlert substitute, not H.R. 961, achieves that goal.

Mr. PORTER. Mr. Chairman, I rise to urge my colleagues to support the substitute to H.R. 961 offered by Representatives SAXTON, BOEHLERT, and ROEMER. This substitute will vastly improve what is now a flawed bill.

Mr. Chairman, the Clean Water Act is one of our most effective environmental laws. It has significantly improved the quality of our Nation's rivers, streams and lakes over the past 25 years.

While the law has been extremely successful, there are significant problems with the Clean Water Act as well. Like many of our environmental laws, there have been instances of regulatory overkill under the act. That's why the Saxton-Boehlert-Roemer substitute incorporates 70 percent of H.R. 961's provisions. But the remainder of H.R. 961's provisions go too far.

H.R. 961 removes over 60 percent of our Nation's remaining wetlands from any level of protection. The destruction of these wetlands would increase flooding, decrease the supply of fresh water and lead to a decline in the fishing and tourism industries, all of which are concerns to my district.

The bill also includes takings provisions which would require the Federal Government to compensate a landowner when a portion of his or her property is devalued by 20 percent because of wetlands regulations. This provision could cost the Federal Government billions of dollars. As a fiscal conservative, I cannot support H.R. 961 in its current form because of this provision alone.

H.R. 961 would also repeal the entire coastal zone nonpoint source pollution program. When more than 10,000 beaches in the United States have been closed over the past 5 years because of coastal water pollution, it simply does not make sense to weaken efforts to limit nonpoint source pollution affecting these areas.

The Saxton-Boehlert-Roemer substitute is a reasonable approach to reauthorizing the Clean Water Act. It includes a proposal developed and endorsed by the National Governor's Association for protecting wetlands. This is a middle-ground approach which gives the States a greater say and more flexibility in protecting wetlands.

It also incorporates a proposal for addressing coastal nonpoint pollution developed by the Coastal States Organization. At a time when we are returning power to the States, we should respect the views of the 30 Governors representing the Coastal States Organization with regard to coastal zone protection.

I urge my colleagues to support the substitute. It is strong, sensible, environmentally sound and affordable.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended, offered by the gentleman from New York [Mr. SAXTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SAXTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 242, not voting 8, as follows:

[Roll No. 312]

AYES—184

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fawell
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
Kolbe
Lantos
Lazio
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Minge
Mink
Moran
Morella
Murtha
Nadler
Neal
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Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reed
Reynolds
Rivers
Roemer
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—242

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Emerson
English
Ensign
Everett
Ewing
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kim
King
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Longley
Lucas
Manzullo
Martinez
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Rohrabacher
Rose
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)
Zeliff

NOT VOTING—8

Bunning
Collins (IL)
Fattah
Harman
Lewis (KY)
Moakley
Peterson (FL)
Rogers

☐ 1948

Mr. MCINTOSH and Mr. BISHOP changed their vote from ''aye'' to ''no.''

Mr. BILBRAY changed his vote from ''no'' to ''aye.''

So the amendment, in the nature of a substitute, as amended, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DEFINITION.

In this Act, the term ''Administrator'' means the Administrator of the Environmental Protection Agency.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251–1387).

The CHAIRMAN. The Clerk will now designate title I.

The text of title I is as follows:

TITLE I—RESEARCH AND RELATED PROGRAMS

SEC. 101. NATIONAL GOALS AND POLICIES.

(a) NONPOINT SOURCE POLLUTION; STATE STRATEGIES.—Section 101(a) (33 U.S.C. 1251(a)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) in paragraph (7)—

(A) by inserting '', including public and private sector programs using economic incentives,'' after ''programs'';

(B) by inserting '', including stormwater,'' after ''nonpoint sources of pollution'' the first place it appears; and

(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(8) it is the national policy to support State efforts undertaken in consultation with tribal and local governments to identify, prioritize, and implement water pollution prevention and control strategies;''.

(b) ROLE OF STATE, TRIBAL, AND LOCAL GOVERNMENTS.—Section 101(a) is further amended by adding at the end the following:

''(9) it is the national policy to recognize, support, and enhance the role of State, tribal, and local governments in carrying out the provisions of this Act;''.

(c) RECLAMATION AND REUSE.—

(1) RECLAMATION.—Section 101(a)(4) is amended by inserting after ''works'' the following: ''and to reclaim waste water from municipal and industrial sources''.

(2) BENEFICIAL REUSE.—Section 101(a) is further amended by adding at the end the following:

''(10) it is the national policy that beneficial reuse of waste water effluent and biosolids be encouraged to the fullest extent possible; and''.

(d) WATER USE EFFICIENCY.—Section 101(a) is further amended by adding at the end the following:

''(11) it is the national policy that water use efficiency be encouraged to the fullest extent possible.''.

(e) NET BENEFITS.—Section 101 is further amended by adding at the end the following:

''(h) NET BENEFITS.—It is the national policy that the development and implementation of water quality protection programs pursuant to this Act—

''(1) be based on scientifically objective and unbiased information concerning the nature and magnitude of risk; and

''(2) maximize net benefits to society in order to promote sound regulatory decisions and promote the rational and coherent allocation of society's limited resources.''.

SEC. 102. RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION.

(a) NATIONAL PROGRAMS.—Section 104(a) (33 U.S.C. 1254(a)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) in cooperation with appropriate Federal, State, and local agencies, conduct, promote, and encourage to the maximum extent feasible, in watersheds that may be significantly affected by nonpoint sources of pollution, monitoring and measurement of water quality by means and methods that will help to identify the relative contributions of particular nonpoint sources.''.

(b) GRANTS TO LOCAL GOVERNMENTS.—Section 104(b)(3) (33 U.S.C. 1254(b)(3)) is amended by inserting ''local governments,'' after ''interstate agencies,''.

(c) TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.—Section 104(b) (33 U.S.C. 1254(b)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(8) make grants to nonprofit organizations to provide technical assistance and training to rural and small publicly owned treatment works to enable such treatment works to achieve and maintain compliance with the requirements of this Act; and

''(9) disseminate information to rural, small, and disadvantaged communities with respect to the planning, design, construction, and operation of treatment works.''.

(d) WASTEWATER TREATMENT IN IMPOVERISHED COMMUNITIES.—Section 104(q) (33 U.S.C. 1254(q)) is amended by adding at the end the following:

''(5) SMALL IMPOVERISHED COMMUNITIES.—

''(A) GRANTS.—The Administrator may make grants to States to provide assistance for planning, design, and construction of publicly owned treatment works to provide wastewater services to rural communities of 3,000 or less that are not currently served by any sewage collection or water treatment system and are severely economically disadvantaged, as determined by the Administrator.

''(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $50,000,000 per fiscal year for fiscal years 1996 through 2000.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 104(u) (33 U.S.C. 1254(u)) is amended—

(1) by striking ''and'' before ''(6)''; and

(2) by inserting before the period at the end the following: ''; and (7) not to exceed $50,000,000 per fiscal year for each of fiscal years 1996 through 2000 for carrying out the provisions of subsections (b)(3), (b)(8), and (b)(9), except that not less than 20 percent of the sums appropriated pursuant to this clause shall be available for carrying out the provisions of subsections (b)(8) and (b)(9)''.

SEC. 103. STATE MANAGEMENT ASSISTANCE.

Section 106(a) (33 U.S.C. 1256(a)) is amended—

(1) by striking ''and'' before ''$75,000,000'';

(2) by inserting after ''1990'' the following: '', such sums as may be necessary for each of fiscal years 1991 through 1995, and $150,000,000 per fiscal year for each of fiscal years 1996 through 2000''; and

(3) by adding at the end the following: ''States or interstate agencies receiving grants under this section may use such funds to finance, with other States or interstate agencies, studies and projects on interstate issues relating to such programs.''.

SEC. 104. MINE WATER POLLUTION CONTROL.

Section 107 (33 U.S.C. 1257) is amended to read as follows:

''SEC. 107. MINE WATER POLLUTION CONTROL.

''(a) ACIDIC AND OTHER TOXIC MINE DRAINAGE.—The Administrator shall establish a program to demonstrate the efficacy of measures for abatement of the causes and treatment of the effects of acidic and other toxic mine drainage within qualified hydrologic units affected by past coal mining practices for the purpose of restoring the biological integrity of waters within such units.

''(b) GRANTS.—

''(1) IN GENERAL.—Any State or Indian tribe may apply to the Administrator for a grant for any project which provides for abatement of the causes or treatment of the effects of acidic or other toxic mine drainage within a qualified hydrologic unit affected by past coal mining practices.

''(2) APPLICATION REQUIREMENTS.—An application submitted to the Administrator under this section shall include each of the following:

''(A) An identification of the qualified hydrologic unit.

''(B) A description of the extent to which acidic or other toxic mine drainage is affecting the water quality and biological resources within the hydrologic unit.

''(C) An identification of the sources of acidic or other toxic mine drainage within the hydrologic unit.

''(D) An identification of the project and the measures proposed to be undertaken to abate the causes or treat the effects of acidic or other toxic mine drainage within the hydrologic unit.

''(E) The cost of undertaking the proposed abatement or treatment measures.

''(c) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of a project receiving grant assistance under this section shall be 50 percent.

''(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Contributions of lands, easements, and rights-of-way shall be credited toward the non-Federal share of the cost of a project under this section but not in an amount exceeding 25 percent of the total project cost.

''(3) OPERATION AND MAINTENANCE.—The non-Federal interest shall bear 100 percent of the cost of operation and maintenance of a project under this section.

''(d) PROHIBITED PROJECTS.—No acidic or other toxic mine drainage abatement or treatment project may receive assistance under this section if the project would adversely affect the free-flowing characteristics of any river segment within a qualified hydrologic unit.

''(e) APPLICATIONS FROM FEDERAL ENTITIES.—Any Federal entity may apply to the Administrator for a grant under this section for the purposes of an acidic or toxic mine drainage abatement or treatment project within a qualified hydrologic unit located on lands and waters under the administrative jurisdiction of such entity.

''(f) APPROVAL.—The Administrator shall approve an application submitted pursuant to subsection (b) or (e) after determining that the application meets the requirements of this section.

''(g) QUALIFIED HYDROLOGIC UNIT DEFINED.—For purposes of this section, the term 'qualified hydrologic unit' means a hydrologic unit—

''(1) in which the water quality has been significantly affected by acidic or other toxic mine drainage from past coal mining practices in a manner which adversely impacts biological resources; and

''(2) which contains lands and waters eligible for assistance under title IV of the Surface Mining and Reclamation Act of 1977.''.

SEC. 105. WATER SANITATION IN RURAL AND NATIVE ALASKA VILLAGES.

(a) IN GENERAL.—Section 113 (33 U.S.C. 1263) is amended by striking the section heading and designation and subsections (a) through (f) and inserting the following:

''SEC. 113. ALASKA VILLAGE PROJECTS AND PROGRAMS.

''(a) GRANTS.—The Administrator is authorized to make grants—

''(1) for the development and construction of facilities which provide sanitation services for rural and Native Alaska villages;

''(2) for training, technical assistance, and educational programs relating to operation and maintenance for sanitation services in rural and Native Alaska villages; and

''(3) for reasonable costs of administering and managing grants made and programs and projects carried out under this section; except that not to exceed 4 percent of the amount of any grant made under this section may be made for such costs.

''(b) FEDERAL SHARE.—A grant under this section shall be 50 percent of the cost of the program or project being carried out with such grant.

''(c) SPECIAL RULE.—The Administrator shall award grants under this section for project construction following the rules specified in subpart H of part 1942 of title 7 of the Code of Federal Regulations.

''(d) GRANTS TO STATE FOR BENEFIT OF VILLAGES.—Grants under this section may be made to the State for the benefit of rural Alaska villages and Alaska Native villages.

''(e) COORDINATION.—In carrying out activities under this subsection, the Administrator is directed to coordinate efforts between the State of Alaska, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of the Interior, the Secretary of Agriculture, and the recipients of grants.

''(f) FUNDING.—There is authorized to be appropriated $25,000,000 for fiscal years beginning after September 30, 1995, to carry out this section.''.

(b) CONFORMING AMENDMENT.—Section 113(g) is amended by inserting after ''(g)'' the following: ''DEFINITIONS.—''.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS FOR CHESAPEAKE PROGRAM.

Section 117(d) (33 U.S.C. 1267(d)) is amended—

(1) in paragraph (1), by inserting ''such sums as may be necessary for fiscal years 1991 through 1995, and $3,000,000 per fiscal year for each of fiscal years 1996 through 2000'' after ''1990,''; and

(2) in paragraph (2), by inserting ''such sums as may be necessary for fiscal years 1991 through 1995, and $18,000,000 per fiscal year for each of fiscal years 1996 through 2000'' after ''1990,''.

SEC. 107. GREAT LAKES MANAGEMENT.

(a) GREAT LAKES RESEARCH COUNCIL.—

(1) IN GENERAL.—Section 118 (33 U.S.C. 1268) is amended—

(A) in subsection (a)(3)—

(i) by striking subparagraph (E) and inserting the following:

''(E) 'Council' means the Great Lakes Research Council established by subsection (d)(1);'';

(ii) by striking ''and'' at the end of subparagraph (I);

(iii) by striking the period at the end of subparagraph (J) and inserting ''; and''; and

(iv) by adding at the end the following:

''(K) 'Great Lakes research' means the application of scientific or engineering expertise to explain, understand, and predict a physical, chemical, biological, or socioeconomic process, or the interaction of 1 or more of the processes, in the Great Lakes ecosystem.'';

(B) by striking subsection (d) and inserting the following:

''(d) GREAT LAKES RESEARCH COUNCIL.—

''(1) ESTABLISHMENT OF COUNCIL.—There is established a Great Lakes Research Council.

''(2) DUTIES OF COUNCIL.—The Council—

''(A) shall advise and promote the coordination of Federal Great Lakes research activities to avoid unnecessary duplication and ensure greater effectiveness in achieving protection of the Great Lakes ecosystem through the goals of the Great Lakes Water Quality Agreement;

''(B) not later than 1 year after the date of the enactment of this subparagraph and biennially thereafter and after providing opportunity for public review and comment, shall prepare and provide to interested parties a document that includes—

''(i) an assessment of the Great Lakes research activities needed to fulfill the goals of the Great Lakes Water Quality Agreement;

''(ii) an assessment of Federal expertise and capabilities in the activities needed to fulfill the goals of the Great Lakes Water Quality Agreement, including an inventory of Federal Great Lakes research programs, projects, facilities, and personnel; and

''(iii) recommendations for long-term and short-term priorities for Federal Great Lakes research, based on a comparison of the assessments conducted under clauses (i) and (ii);

''(C) shall identify topics for and participate in meetings, workshops, symposia, and conferences on Great Lakes research issues;

''(D) shall make recommendations for the uniform collection of data for enhancing Great Lakes research and management protocols relating to the Great Lakes ecosystem;

''(E) shall advise and cooperate in—

''(i) improving the compatible integration of multimedia data concerning the Great Lakes ecosystem; and

''(ii) any effort to establish a comprehensive multimedia data base for the Great Lakes ecosystem; and

''(F) shall ensure that the results, findings, and information regarding Great Lakes research programs conducted or sponsored by the Federal Government are disseminated in a timely manner, and in useful forms, to interested persons, using to the maximum extent practicable mechanisms in existence on the date of the dissemination, such as the Great Lakes Research Inventory prepared by the International Joint Commission.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall consist of 1 research manager with extensive knowledge of, and scientific expertise and experience in, the Great Lakes ecosystem from each of the following agencies and instrumentalities:

''(i) The Agency.

''(ii) The National Oceanic and Atmospheric Administration.

''(iii) The National Biological Service.

''(iv) The United States Fish and Wildlife Service.

''(v) Any other Federal agency or instrumentality that expends $1,000,000 or more for a fiscal year on Great Lakes research.

''(vi) Any other Federal agency or instrumentality that a majority of the Council membership determines should be represented on the Council.

''(B) NONVOTING MEMBERS.—At the request of a majority of the Council membership, any person who is a representative of a Federal agency or instrumentality not described in subparagraph (A) or any person who is not a Federal employee may serve as a nonvoting member of the Council.

''(4) CHAIRPERSON.—The chairperson of the Council shall be a member of the Council from an agency specified in clause (i), (ii), or (iii) of paragraph (3)(A) who is elected by a majority vote of the members of the Council. The chairperson shall serve as chairperson for a period of 2 years. A member of the Council may not serve as chairperson for more than 2 consecutive terms.

''(5) EXPENSES.—While performing official duties as a member of the Council, a member shall be allowed travel or transportation expenses under section 5703 of title 5, United States Code.

''(6) INTERAGENCY COOPERATION.—The head of each Federal agency or instrumentality that is represented on the Council—

''(A) shall cooperate with the Council in implementing the recommendations developed under paragraph (2);

''(B) on written request of the chairperson of the Council, may make available, on a reimbursable basis or otherwise, such personnel, services, or facilities as may be necessary to assist the Council in carrying out the duties of the Council under this section; and

''(C) on written request of the chairperson, shall furnish data or information necessary to carry out the duties of the Council under this section.

''(7) INTERNATIONAL COOPERATION.—The Council shall cooperate, to the maximum extent practicable, with the research coordination efforts of the Council of Great Lakes Research Managers of the International Joint Commission.

''(8) REIMBURSEMENT FOR REQUESTED ACTIVITIES.—Each Federal agency or instrumentality represented on the Council may reimburse another Federal agency or instrumentality or a non-Federal entity for costs associated with activities authorized under this subsection that are carried out by the other agency, instrumentality, or entity at the request of the Council.

''(9) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

''(10) EFFECT ON OTHER LAW.—Nothing in this subsection affects the authority of any Federal agency or instrumentality, under any law, to undertake Great Lakes research activities.'';

(C) in subsection (e)—

(i) in paragraph (1) by striking ''the Program Office and the Research Office shall prepare a joint research plan'' and inserting ''the Program Office, in consultation with the Council, shall prepare a research plan''; and

(ii) in paragraph (3)(A) by striking ''the Research Office, the Agency for Toxic Substances and Disease Registry, and Great Lakes States'' and inserting ''the Council, the Agency for Toxic Substances and Disease Registry, and Great Lakes States,''; and

(D) in subsection (h)—

(i) by adding ''and'' at the end of paragraph (1);

(ii) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENT.—The second sentence of section 403(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1447b(a)) is amended by striking ''Great Lakes Research Office authorized under'' and inserting ''Great Lakes Research Council established by''.

(b) CONSISTENCY OF PROGRAMS WITH FEDERAL GUIDANCE.—Section 118(c)(2)(C) (33 U.S.C. 1268(c)(2)(C)) is amended by adding at the end the following: ''For purposes of this section, a State's standards, policies, and procedures shall be considered consistent with such guidance if the standards, policies, and procedures are based on scientifically defensible judgments and policy choices made by the State after consideration of the guidance and provide an overall level of protection comparable to that provided by the guidance, taking into account the specific circumstances of the State's waters.''.

(c) REAUTHORIZATION OF ASSESSMENT AND REMEDIATION OF CONTAMINATED SEDIMENTS PROGRAM.—Section 118(c)(7) is amended by adding at the end the following:

''(D) REAUTHORIZATION OF ASSESSMENT AND REMEDIATION OF CONTAMINATED SEDIMENTS PROGRAM.—

''(i) IN GENERAL.—The Administrator, acting through the Program Office, in consultation and cooperation with the Assistant Secretary of the Army having responsibility for civil works, shall conduct at least 3 pilot projects involving promising technologies and practices to remedy contaminated sediments (including at least 1 full-scale demonstration of a remediation technology) at sites in the Great Lakes System, as the Administrator determines appropriate.

''(ii) SELECTION OF SITES.—In selecting sites for the pilot projects, the Administrator shall give priority consideration to—

''(I) the Ashtabula River in Ohio;

''(II) the Buffalo River in New York;

''(III) Duluth and Superior Harbor in Minnesota;

''(IV) the Fox River in Wisconsin;

''(V) the Grand Calumet River in Indiana; and

''(VI) Saginaw Bay in Michigan.

''(iii) DEADLINES.—In carrying out this subparagraph, the Administrator shall—

''(I) not later than 18 months after the date of the enactment of this subparagraph, identify at

least 3 sites and the technologies and practices to be demonstrated at the sites (including at least 1 full-scale demonstration of a remediation technology); and

''(II) not later than 5 years after such date of enactment, complete at least 3 pilot projects (including at least 1 full-scale demonstration of a remediation technology).

''(iv) ADDITIONAL PROJECTS.—The Administrator, acting through the Program Office, in consultation and cooperation with the Assistant Secretary of the Army having responsibility for civil works, may conduct additional pilot- and full-scale pilot projects involving promising technologies and practices at sites in the Great Lakes System other than the sites selected under clause (i).

''(v) EXECUTION OF PROJECTS.—The Administrator may cooperate with the Assistant Secretary of the Army having responsibility for civil works to plan, engineer, design, and execute pilot projects under this subparagraph.

''(vi) NON-FEDERAL CONTRIBUTIONS.—The Administrator may accept non-Federal contributions to carry out pilot projects under this subparagraph.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $3,500,000 for each of fiscal years 1996 through 2000.

''(E) TECHNICAL INFORMATION AND ASSISTANCE.—

''(i) IN GENERAL.—The Administrator, acting through the Program Office, may provide technical information and assistance involving technologies and practices for remediation of contaminated sediments to persons that request the information or assistance.

''(ii) TECHNICAL ASSISTANCE PRIORITIES.—In providing technical assistance under this subparagraph, the Administrator, acting through the Program Office, shall give special priority to requests for integrated assessments of, and recommendations regarding, remediation technologies and practices for contaminated sediments at Great Lakes areas of concern.

''(iii) COORDINATION WITH OTHER DEMONSTRATIONS.—The Administrator shall—

''(I) coordinate technology demonstrations conducted under this subparagraph with other federally assisted demonstrations of contaminated sediment remediation technologies; and

''(II) share information from the demonstrations conducted under this subparagraph with the other demonstrations.

''(iv) OTHER SEDIMENT REMEDIATION ACTIVITIES.—Nothing in this subparagraph limits the authority of the Administrator to carry out sediment remediation activities under other laws.

''(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $1,000,000 for each of fiscal years 1996 through 2000.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) RESEARCH AND MANAGEMENT.—Section 118(e)(3)(B) (33 U.S.C. 1268(e)(3)(B)) is amended by inserting before the period at the end the following: '', such sums as may be necessary for fiscal year 1995, and $4,000,000 per fiscal year for each of fiscal years 1996, 1997, and 1998''.

(2) GREAT LAKES PROGRAMS.—Section 118(h) (33 U.S.C. 1268(h)) is amended—

(A) by striking ''and'' before ''$25,000,000''; and

(B) by inserting before the period at the end of the first sentence the following: '', such sums as may be necessary for fiscal years 1992 through 1995, and $17,500,000 per fiscal year for each of fiscal years 1996 through 2000''.

The CHAIRMAN. Are there any amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—CONSTRUCTION GRANTS

SEC. 201. USES OF FUNDS.

(a) NONPOINT SOURCE PROGRAM.—Section 201(g)(1) (33 U.S.C. 1281(g)(1)) is amended by striking the period at the end of the first sentence and all that follows through the period at the end of the last sentence and inserting the following: ''and for any purpose for which a grant may be made under sections 319(h) and 319(i) of this Act (including any innovative and alternative approaches for the control of nonpoint sources of pollution).''.

(b) RETROACTIVE ELIGIBILITY.—Section 201(g)(1) is further amended by adding at the end the following: ''The Administrator, with the concurrence of the States, shall develop procedures to facilitate and expedite the retroactive eligibility and provision of grant funding for facilities already under construction.''.

SEC. 202. ADMINISTRATION OF CLOSEOUT OF CONSTRUCTION GRANT PROGRAM.

Section 205(g)(1) (33 U.S.C. 1285(g)(1)) is amended by adding at the end the following: ''The Administrator may negotiate an annual budget with a State for the purpose of administering the closeout of the State's construction grants program under this title. Sums made available for administering such closeout shall be subtracted from amounts remaining available for obligation under the State's construction grant program under this title.''.

SEC. 203. SEWAGE COLLECTION SYSTEMS.

Section 211(a) (33 U.S.C. 1291(a)) is amended—

(1) in clause (1) by striking ''an existing collection system'' and inserting ''a collection system existing on the date of the enactment of the Clean Water Amendments of 1995''; and

(2) in clause (2)—

(A) by striking ''an existing community'' and inserting ''a community existing on such date of enactment''; and

(B) by striking ''sufficient existing'' and inserting ''sufficient capacity existing on such date of enactment''.

SEC. 204. TREATMENT WORKS DEFINED.

(a) INCLUSION OF OTHER LANDS.—Section 212(2)(A) (33 U.S.C. 1292(2)(A)) is amended—

(1) by striking ''any works, including site'';

(2) by striking ''is used for ultimate'' and inserting ''will be used for ultimate''; and

(3) by inserting before the period at the end the following: ''and acquisition of other lands, and interests in lands, which are necessary for construction''.

(b) POLICY ON COST EFFECTIVENESS.—Section 218(a) (33 U.S.C. 1298(a)) is amended by striking ''combination of devices and systems'' and all that follows through ''from such treatment;'' and inserting ''treatment works;''.

SEC. 205. VALUE ENGINEERING REVIEW.

Section 218(c) (33 U.S.C. 1298(c)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

SEC. 206. GRANTS FOR WASTEWATER TREATMENT.

(a) COASTAL LOCALITIES.—The Administrator shall make grants under title II of the Federal Water Pollution Control Act to appropriate instrumentalities for the purpose of construction of treatment works (including combined sewer overflow facilities) to serve coastal localities. No less than $10,000,000 of the amount of such grants shall be used for water infrastructure improvements in New Orleans, no less than $3,000,000 of the amount of such grants shall be used for water infrastructure improvements in Bristol County, Massachusetts, and no less than ⅓ of the amount of such grants shall be used to assist localities that meet both of the following criteria:

(1) NEED.—A locality that has over $2,000,000,000 in category I treatment needs documented and accepted in the Environmental Protection Agency's 1992 Needs Survey database as of February 4, 1993.

(2) HARDSHIP.—A locality that has wastewater user charges, for residential use of 7,000 gallons per month based on Ernst & Young National Water and Wastewater 1992 Rate Survey, greater than 0.65 percent of 1989 median household income for the metropolitan statistical area in which such locality is located as measured by the Bureau of the Census.

(b) FEDERAL SHARE.—Notwithstanding section 202(a)(1) of the Federal Water Pollution Control Act, the Federal share of grants under subsection (a) shall be 80 percent of the cost of construction, and the non-Federal share shall be 20 percent of the cost of construction.

(c) SMALL COMMUNITIES.—The Administrator shall make grants to States for the purpose of providing assistance for the construction of treatment works to serve small communities as defined by the State; except that the term ''small communities'' may not include any locality with a population greater than 75,000. Funds made available to carry out this subsection shall be allotted by the Administrator to the States in accordance with the allotment formula contained in section 604(a) of the Federal Water Pollution Control Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under this section $300,000,000 for fiscal year 1996. Such sums shall remain available until expended and shall be equally divided between subsections (a) and (c) of this section. Such authorization of appropriation shall take effect only if the total amount appropriated for fiscal year 1996 to carry out title VI of the Federal Water Pollution Control Act is at least $3,000,000,000.

The CHAIRMAN. Are there any amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—STANDARDS AND ENFORCEMENT

SEC. 301. EFFLUENT LIMITATIONS.

(a) COMPLIANCE SCHEDULES.—Section 301(b) (33 U.S.C. 1311(b)) is amended—

(1) in paragraph (1)(C) by striking ''not later than July 1, 1977,'';

(2) by striking the period at the end and inserting ''not later than 3 years after the date such limitations are established;''; and

(3) by striking '', and in no case later than March 31, 1989'' each place it appears.

(b) MODIFICATIONS FOR NONCONVENTIONAL POLLUTANTS.—

(1) GENERAL AUTHORITY.—Section 301(g)(1) (33 U.S.C. 1311(g)(1)) is amended by striking ''(when determined by the Administrator to be a pollutant covered by subsection (b)(2)(F)) and any other pollutant which the Administrator lists under paragraph (4) of this subsection'' and inserting ''and any other pollutant covered by subsection (b)(2)(F)''.

(2) PROCEDURAL REQUIREMENTS FOR LISTING AND REMOVAL OF POLLUTANTS.—Section 301(g) (33 U.S.C. 1311(g)) is further amended by striking paragraphs (4) and (5).

(c) COAL REMINING.—Section 301(p)(2) (33 U.S.C. 1311(p)(2)) is amended by inserting before the period at the end the following: ''; except where monitoring demonstrates that the receiving waters do not meet such water quality standards prior to commencement of remining and where the applicant submits a plan which demonstrates to the satisfaction of the Administrator or the State, as the case may be, that identified measures will be utilized to improve the existing water quality of the receiving waters''.

(d) PREEXISTING COAL REMINING OPERATIONS.—Section 301(p) (33 U.S.C. 1311) is amended by adding at the end the following:

''(5) PREEXISTING COAL REMINING OPERATIONS.—Any operator of a coal mining operation who conducted remining at a site on which coal mining originally was conducted before the effective date of the Surface Mining Control and Reclamation Act of 1977 shall be deemed to be in compliance with sections 301, 302, 306, 307, and 402 of this Act if—

''(A) such operator commenced remining at such operation prior to the adoption of this subsection in a State program approved under section 402 and performed such remining under a permit pursuant to such Act; and

''(B) the post-mining discharges from such operation do not add pollutants to the waters of the United States in excess of those pollutants discharged from the remined area before the coal remining operation began.''.

SEC. 302. POLLUTION PREVENTION OPPORTUNITIES.

(a) INNOVATIVE PRODUCTION PROCESSES.—Subsection (k) of section 301 (33 U.S.C. 1311(k)) is amended to read as follows:

''(k) INNOVATIVE PRODUCTION PROCESSES, TECHNOLOGIES, AND METHODS.—

''(1) IN GENERAL.—In the case of any point source subject to a permit under section 402, the Administrator, with the consent of the State in which the point source is located, or the State in consultation with the Administrator, in the case of a State with an approved program under section 402, may, at the request of the permittee and after public notice and opportunity for comment, extend the deadline for the point source to comply with any limitation established pursuant to subsection (b)(1)(A), (b)(2)(A), or (b)(2)(E) and make other appropriate modifications to the conditions of the point source permit, for the purpose of encouraging the development and use of an innovative pollution prevention technology (including an innovative production process change, innovative pollution control technology, or innovative recycling method) that has the potential to—

''(A) achieve an effluent reduction which is greater than that required by the limitation otherwise applicable;

''(B) meet the applicable effluent limitation to water while achieving a reduction of total emissions to other media which is greater than that required by the otherwise applicable emissions limitations for the other media;

''(C) meet the applicable effluent limitation to water while achieving a reduction in energy consumption; or

''(D) achieve the required reduction with the potential for significantly lower costs than the systems determined by the Administrator to be economically achievable.

''(2) DURATION OF EXTENSIONS.—The extension of the compliance deadlines under paragraph (1) shall not extend beyond the period necessary for the owner of the point source to install and use the innovative process, technology, or method in full-scale production operations, but in no case shall the compliance extensions extend beyond 3 years from the date for compliance with the otherwise applicable limitations.

''(3) CONSEQUENCES OF FAILURE.—In determining the amount of any civil or administrative penalty pursuant to section 309(d) or 309(g) for any violations of a section 402 permit during the extension period referred to in paragraph (1) that are caused by the unexpected failure of an innovative process, technology, or method, a court or the Administrator, as appropriate, shall reduce or eliminate the penalty for such violation if the permittee has made good-faith efforts both to implement the innovation and to comply with any interim limitations.

''(4) REPORT.—Not later than 1 year after the date of the enactment of this subsection, the Administrator shall review, analyze, and compile in a report information on innovative and alternative technologies which are available for preventing and reducing pollution of navigable waters, submit such report to Congress, and publish in the Federal Register a summary of such report and a notice of the availability of such report. The Administrator shall annually update the report prepared under this paragraph, submit the updated report to Congress, and publish in the Federal Register a summary of the updated report and a notice of its availability.''.

(b) POLLUTION PREVENTION PROGRAMS.—Section 301 (33 U.S.C. 1311) is amended—

(1) in subsection (l) by striking ''subsection (n)'' and inserting ''subsections (n), (q), and (r)''; and

(2) by adding at the end the following:

''(q) POLLUTION PREVENTION PROGRAMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Administrator (with the concurrence of the State) or a State with an approved program under section 402, after public notice and an opportunity for comment, may issue a permit under section 402 which modifies the requirements of subsection (b) of this section or section 306 and makes appropriate modifications to the conditions of the permit, or may modify the requirements of section 307, if the Administrator or State determines that pollution prevention measures or practices (including recycling, source reduction, and other measures to reduce discharges or other releases of pollutants to the environment beyond those otherwise required by law) together with such modifications will achieve an overall reduction in emissions to the environment (including emissions to water and air and disposal of solid wastes) from the facility at which the permitted discharge is located that is greater than would otherwise be achievable if the source complied with the requirements of subsection (b) or section 306 or 307 and will result in an overall net benefit to the environment.

''(2) TERM OF MODIFICATION.—A modification made pursuant to paragraph (1) shall extend for the term of the permit or, in the case of modifications under section 307(b), for up to 10 years, and may be extended further if the Administrator or State determines at the expiration of the initial modifications that such modifications will continue to enable the source to achieve greater emissions reduction than would otherwise be attainable.

''(3) NONEXTENSION OF MODIFICATION.—Upon expiration of a modification that is not extended further under paragraph (2), the source shall have a reasonable period of time, not to exceed 2 years, to come into compliance with otherwise applicable requirements of this Act.

''(4) REPORT.—Not later than 3 years after the date of the enactment of this subsection, the Administrator shall submit to Congress a report on the implementation of this subsection and the emissions reductions achieved as a result of modifications made pursuant to this subsection.''.

(c) POLLUTION REDUCTION AGREEMENTS.—Section 301 is further amended by adding at the end the following:

''(r) POLLUTION REDUCTION AGREEMENTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Administrator (with the concurrence of the State) or a State with an approved program under section 402, after public notice and an opportunity for comment, may issue a permit under section 402 which modifies the requirements of subsection (b) of this section or section 306 and makes appropriate modifications to the conditions of the permit, or may modify the requirements of section 307, if the Administrator or State determines that the owner or operator of the source of the discharge has entered into a binding contractual agreement with any other source of discharge in the same watershed to implement pollution reduction controls or measures beyond those otherwise required by law and that the agreement is being implemented through modifications of a permit issued under section 402 to the other source, by modifications of the requirements of section 307 applicable to the other source, or by nonpoint source control practices and measures under section 319 applicable to the other source. The Administrator or State may modify otherwise applicable requirements pursuant to this section whenever the Administrator or State determines that such pollution reduction control or measures will result collectively in an overall reduction in discharges to the watershed that is greater than would otherwise be achievable if the parties to the pollution reduction agreement each complied with applicable requirements of subsection (b), section 306 or 307 resulting in a net benefit to the watershed.

''(2) NOTIFICATION TO AFFECTED STATES.—Before issuing or modifying a permit under this subsection allowing discharges into a watershed that is within the jurisdiction of 2 or more States, the Administrator or State shall provide written notice of the proposed permit to all States with jurisdiction over the watershed. The Administrator or State shall not issue or modify such permit unless all States with jurisdiction over the watershed have approved such permit or unless such States do not disapprove such permit within 90 days of receiving such written notice.

''(3) TERM OF MODIFICATION.—Modifications made pursuant to this subsection shall extend for the term of the modified permits or, in the case of modifications under section 307, for up to 10 years, and may be extended further if the Administrator or State determines, at the expiration of the initial modifications, that such modifications will continue to enable the sources trading credits to achieve greater reduction in discharges to the watershed collectively than would otherwise be attainable.

''(4) NONEXTENSION OF MODIFICATION.—Upon expiration of a modification that is not extended further under paragraph (3), the source shall have a reasonable period of time, not to exceed 2 years, to come into compliance with otherwise applicable requirements of this Act.

''(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Administrator or a State, as appropriate, to compel trading among sources or to impose nonpoint source control practices without the consent of the nonpoint source discharger.

''(6) REPORT.—Not later than 3 years after the date of the enactment of this subsection, the Administrator shall submit a report to Congress on the implementation of paragraph (1) and the discharge reductions achieved as a result of modifications made pursuant to paragraph (1).''.

(d) ANTIBACKSLIDING.—Section 402(o)(2) (33 U.S.C. 1342(o)(2)) is amended—

(1) in subparagraph (D)—

(A) by inserting ''301(q), 301(r),'' after ''301(n),''; and

(B) by striking ''or'' the last place it appears;

(2) in subparagraph (E) by striking the period at the end and inserting ''; or''; and

(3) by inserting after subparagraph (E) the following:

''(F) the permittee is taking pollution prevention or water conservation measures that produce a net environmental benefit, including, but not limited to, measures that result in the substitution of one pollutant for another pollutant; increase the concentration of a pollutant while decreasing the discharge flow; or increase the discharge of a pollutant or pollutants from one or more outfalls at a permittee's facility, when accompanied by offsetting decreases in the discharge of a pollutant or pollutants from other outfalls at the permittee's facility.''.

(e) ANTIDEGRADATION REVIEW.—Section 303(d) (33 U.S.C. 1313(d)) is amended by adding at the end the following:

''(5) ANTIDEGRADATION REVIEW.—The Administrator may not require a State, in implementing the antidegradation policy established under this section, to conduct an antidegradation review in the case of—

''(A) increases in a discharge which are authorized under section 301(g), 301(k), 301(q), 301(r), or 301(t);

''(B) increases in the concentration of a pollutant in a discharge caused by a reduction in wastewater flow;

''(C) increases in the discharge of a pollutant or pollutants from one or more outfalls at a permittee's facility, when accompanied by offsetting decreases in the discharge of a pollutant or pollutants from other outfalls at the permittee's facility;

''(D) reissuance of a permit where there is no increase in existing effluent limitations and, if a new effluent limitation is being added to the permit, where the new limitation is for a pollutant that is newly found in an existing discharge due solely to improved monitoring methods; or

''(E) a new or increased discharge which is temporary or short-term or which the State determines represents an insignificant increased pollutant loading.''.

(f) INNOVATIVE PRETREATMENT PRODUCTION PROCESSES.—Subsection (e) of section 307 (33 U.S.C. 1317(e)) is amended to read as follows:

''(e) INNOVATIVE PRETREATMENT PRODUCTION PROCESSES, TECHNOLOGIES, AND METHODS.—

''(1) IN GENERAL.—In the case of any facility that proposes to comply with the national categorical pretreatment standards developed under subsection (b) by applying an innovative pollution prevention technology (including an innovative production process change, innovative pollution control technology, or innovative recycling method) that meets the requirements of section 301(k), the Administrator or the State, in consultation with the Administrator, in the case of a State which has a pretreatment program approved by the Administrator, upon application of the facility and with the concurrence of the treatment works into which the facility introduces pollutants, may extend the deadlines for compliance with the applicable national categorical pretreatment standards established under this section and make other appropriate modifications to the facility's pretreatment requirements if the Administrator or the State, in consultation with the Administrator, in the case of a State which has a pretreatment program approved by the Administrator determines that—

''(A) the treatment works will require the owner of the source to conduct such tests and monitoring during the period of the modification as are necessary to ensure that the modification does not cause or contribute to a violation by the treatment works under section 402 or a violation of section 405;

''(B) the treatment works will require the owner of the source to report on progress at prescribed milestones during the period of modification to ensure that attainment of the pollution reduction goals and conditions set forth in this section is being achieved; and

''(C) the proposed extensions or modifications will not cause or contribute to any violation of a permit granted to the treatment works under section 402, any violation of section 405, or a pass through of pollutants such that water quality standards are exceeded in the body of water into which the treatment works discharges.

''(2) INTERIM LIMITATIONS.—A modification granted pursuant to paragraph (1) shall include interim standards that shall apply during the temporary period of the modification and shall be the more stringent of—

''(A) those necessary to ensure that the discharge will not interfere with the operation of the treatment works;

''(B) those necessary to ensure that the discharge will not pass through pollutants at a level that will cause water quality standards to be exceeded in the navigable waters into which the treatment works discharges;

''(C) the limits established in the previously applicable control mechanism, in those cases in which the limit from which a modification is being sought is more stringent than the limit established in a previous control mechanism applicable to such source.

''(3) DURATION OF EXTENSIONS AND MODIFICATIONS.—The extension of the compliance deadlines and the modified pretreatment requirements established pursuant to paragraph (1) shall not extend beyond the period necessary for the owner to install and use the innovative process, technology, or method in full-scale production operation, but in no case shall the compliance extensions and modified requirements extend beyond 3 years from the date for compliance with the otherwise applicable standards.

''(4) CONSEQUENCES OF FAILURE.—In determining the amount of any civil or administrative penalty pursuant to section 309(d) or 309(g) for any pretreatment violations, or violations by a publicly owned treatment works, caused by the unexpected failure of an innovative process, technology, or method, a court or the Administrator, as appropriate, shall reduce, or eliminate, the penalty amount for such violations provided the facility made good-faith efforts both to implement the innovation and to comply with the interim standards and, in the case of a publicly owned treatment works, good-faith efforts were made to implement the pretreatment program.''.

SEC. 303. WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS.

(a) NO REASONABLE RELATIONSHIP.—Section 303(b) (33 U.S.C. 1313(b)) is amended by adding at the end the following:

''(3) NO REASONABLE RELATIONSHIP.—No water quality standard shall be established under this subsection where there is no reasonable relationship between the costs and anticipated benefits of attaining such standard.''.

(b) REVISION OF STATE STANDARDS.—

(1) REVIEW OF REVISIONS BY THE ADMINISTRATOR.—Section 303(c)(1) is amended by striking ''three'' and all that follows through ''1972'' and inserting the following: ''5-year period beginning on the date of the enactment of the Clean Water Amendments of 1995 and, for criteria that are revised by the Administrator pursuant to section 304(a), on or before the 180th day after the date of such revision by the Administrator''.

(2) FACTORS.—Section 303(c) (33 U.S.C. 1313(c)) is amended by striking paragraph (2)(A) and inserting the following:

''(2) STATE ADOPTION OF WATER QUALITY STANDARDS.—

''(A) IN GENERAL.—

''(i) SUBMISSION TO ADMINISTRATOR.—Whenever the State revises or adopts a new water quality standard, such standard shall be submitted to the Administrator.

''(ii) DESIGNATED USES AND WATER QUALITY CRITERIA.—The revised or new standard shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses.

''(iii) PROTECTION OF HUMAN HEALTH.—The revised or new standard shall protect human health and the environment and enhance water quality.

''(iv) DEVELOPMENT OF STANDARDS.—In developing revised or new standards, the State may consider information reasonably available on the likely social, economic, energy use, and environmental cost associated with attaining such standards in relation to the benefits to be attained. The State may provide a description of the considerations used in the establishment of the standards.

''(v) RECORD OF STATE'S REVIEW.—The record of a State's review under paragraph (1) of an existing standard or adoption of a new standard that includes water quality criteria issued or revised by the Administrator after the date of the enactment of this sentence shall contain available estimates of costs of compliance with the water quality criteria published by the Administrator under section 304(a)(12) and any comments received by the State on such estimate.

''(vi) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to limit or delay the use of any guidance of the Administrator interpreting water quality criteria to allow the use of a dissolved metals concentration measurement or similar adjustment in determining compliance with a water quality standard or establishing effluent limitations.''.

(c) REVISION OF DESIGNATED USES.—Section 303(c)(2) (33 U.S.C. 1313(c)(2)) is amended by adding at the end the following:

''(C) REVISION OF DESIGNATED USES.—

''(i) REGULATIONS.—After consultation with State officials and not later than 1 year after the date of the enactment of this subparagraph, the Administrator shall propose, and not later than 2 years after such date of enactment shall issue, a revision to the Administrator's regulations regarding designation of uses of waters by States.

''(ii) WATERS NOT ATTAINING DESIGNATED USES.—For navigable waters not attaining designated uses, the Administrator shall identify conditions that make attainment of the designated use infeasible and shall allow a State to modify the designated use if the State determines that such condition or conditions are present with respect to a particular receiving water, or if the State determines that the costs of achieving the designated use are not justified by the benefits.

''(iii) WATERS ATTAINING DESIGNATED USES.—For navigable waters attaining the designated use applicable to such waters for all pollutants, the Administrator shall allow a State to modify the designated use only if the State determines that continued maintenance of the water quality necessary to support the designated use will result in significant social or economic dislocations substantially out of proportion to the benefits to be achieved from maintenance of the designated use.

''(iv) MODIFICATION OF POINT SOURCE LIMITS.—Notwithstanding any other provision of this Act, water quality based limits applicable to point sources may be modified as appropriate to conform to any modified designated use under this section.''.

SEC. 304. USE OF BIOLOGICAL MONITORING.

(a) LABORATORY BIOLOGICAL MONITORING CRITERIA.—Subparagraph (B) of section 303(c)(2) (33 U.S.C. 1313(c)(2)) is amended—

(1) by inserting ''CRITERIA FOR TOXIC POLLUTANTS.—'' after ''(B)'';

(2) by moving such subparagraph 4 ems to the right;

(3) by inserting after the third sentence the following: ''Criteria for whole effluent toxicity based on laboratory biological monitoring or assessment methods shall employ an aquatic species indigenous, or representative of indigenous, and relevant to the type of waters covered by such criteria and shall take into account the accepted analytical variability associated with such methods in defining an exceedance of such criteria.''.

(b) PERMIT PROCEDURES.—Section 402 is amended by adding at the end the following:

''(q) BIOLOGICAL MONITORING PROCEDURES.—

''(1) RESPONDING TO EXCEEDANCES.—If a permit issued under this section contains terms, conditions, or limitations requiring biological monitoring or whole effluent toxicity testing designed to meet criteria for whole effluent toxicity based on laboratory biological monitoring or assessment methods described in section 303(c)(2)(B), the permit shall establish procedures for responding to an exceedance of such criteria that includes analysis, identification, reduction, or, where feasible, elimination of any effluent toxicity. The failure of a biological monitoring test or whole effluent toxicity test shall not result in a finding of a violation under this Act, unless it is demonstrated that the permittee has failed to comply with such procedures.

''(2) DISCONTINUANCE OF USE.—The permit shall allow the permittee to discontinue such procedures—

''(A) if the permittee is an entity, other than a publicly owned treatment works, if the permittee demonstrates through a field bio-assessment study that a balanced and healthy population of aquatic species indigenous, or representative of indigenous, and relevant to the type of waters exists in the waters that are affected by the discharge, and if the applicable water quality standards are met for such waters; or

''(B) if the permittee is a publicly owned treatment works, the source or cause of such toxicity cannot, after thorough investigation, be identified.''.

(c) INFORMATION ON WATER QUALITY CRITERIA.—Section 304(a)(8) (33 U.S.C. 1314(a)(8)) is amended—

(1) by striking '', after'' and all that follows through ''1987,''; and

(2) by inserting after ''publish'' the following: '', consistent with section 303(c)(2)(B) of this Act,''.

SEC. 305. ARID AREAS.

(a) CONSTRUCTED WATER CONVEYANCES.—Section 303(c)(2) (33 U.S.C. 1313(c)(2)) is amended by adding at the end the following:

''(D) STANDARDS FOR CONSTRUCTED WATER CONVEYANCES.—

''(i) RELEVANT FACTORS.—If a State exercises jurisdiction over constructed water conveyances in establishing standards under this section, the State may consider the following:

''(I) The existing and planned uses of water transported in a conveyance system.

''(II) Any water quality impacts resulting from any return flow from a constructed water conveyance to navigable waters and the need to protect downstream users.

''(III) Management practices necessary to maintain the conveyance system.

''(IV) State or regional water resources management and water conservation plans.

''(V) The authorized purpose for the constructed conveyance.

''(ii) RELEVANT USES.—If a State adopts or reviews water quality standards for constructed water conveyances, it shall not be required to establish recreation, aquatic life, or fish consumption uses for such systems if the uses are not existing or reasonably foreseeable or such uses impede the authorized uses of the conveyance system.''.

(b) CRITERIA AND GUIDANCE FOR EPHEMERAL AND EFFLUENT-DEPENDENT STREAMS.—Section 304(a) (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(9) CRITERIA AND GUIDANCE FOR EPHEMERAL AND EFFLUENT-DEPENDENT STREAMS.—

''(A) DEVELOPMENT.—Not later than 2 years after the date of the enactment of this paragraph, and after providing notice and opportunity for public comment, the Administrator shall develop and publish—

''(i) criteria for ephemeral and effluent-dependent streams; and

''(ii) guidance to the States on development and adoption of water quality standards applicable to such streams.

''(B) FACTORS.—The criteria and guidance developed under subparagraph (A) shall take into account the limited ability of ephemeral and effluent-dependent streams to support aquatic life and certain designated uses, shall include consideration of the role the discharge may play in maintaining the flow or level of such waters, and shall promote the beneficial use of reclaimed water pursuant to section 101(a)(10).''.

(c) FACTORS REQUIRED TO BE CONSIDERED BY ADMINISTRATOR.—Section 303(c)(4) is amended by adding at the end the following: ''In revising or adopting any new standard for ephemeral or effluent-dependent streams under this paragraph, the Administrator shall consider the factors referred to in section 304(a)(9)(B).''.

(d) DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(21) The term 'effluent-dependent stream' means a stream or a segment thereof—

''(A) with respect to which the flow (based on the annual average expected flow, determined by calculating the average mode over a 10-year period) is primarily attributable to the discharge of treated wastewater;

''(B) that, in the absence of a discharge of treated wastewater and other primary anthropogenic surface or subsurface flows, would be an ephemeral stream; or

''(C) that is an effluent-dependent stream under applicable State water quality standards.

''(22) The term 'ephemeral stream' means a stream or segments thereof that flows periodically in response to precipitation, snowmelt, or runoff.

''(23) The term 'constructed water conveyance' means a manmade water transport system constructed for the purpose of transporting water in a waterway that is not and never was a natural perennial waterway.''.

SEC. 306. TOTAL MAXIMUM DAILY LOADS.

Section 303(d)(1)(C) (33 U.S.C. 1313(d)(1)(C)) is amended to read as follows:

''(C) TOTAL MAXIMUM DAILY LOADS.—

''(i) STATE DETERMINATION OF REASONABLE PROGRESS.—Each State shall establish, to the extent and according to a schedule the State determines is necessary to achieve reasonable progress toward the attainment or maintenance of water quality standards, for the waters identified in paragraph (1)(A) of this subsection, and in accordance with the priority ranking, the total maximum daily load, for those pollutants which the Administrator identifies under section 304(a)(2) as suitable for such calculation.

''(ii) PHASED TOTAL MAXIMUM DAILY LOADS.—Total maximum daily loads may reflect load reductions the State expects will be realized over time resulting from anticipated implementation of best management practices, storm water controls, or other nonpoint or point source controls; so long as by December 31, 2015, such loads are established at levels necessary to implement the applicable water quality standards with seasonal variations and a margin of safety.

''(iii) CONSIDERATIONS.—In establishing each load, the State shall consider the availability of scientifically valid data and information, the projected reductions achievable by control measures or practices for all sources or categories of sources, and the relative cost-effectiveness of implementing such control measures or practices for such sources.''.

SEC. 307. REVISION OF CRITERIA, STANDARDS, AND LIMITATIONS.

(a) REVISION OF WATER QUALITY CRITERIA.—

(1) FACTORS.—Section 304(a)(1) (33 U.S.C. 1314(a)(1)) is amended—

(A) by striking ''and (C)'' and inserting ''(C)''; and

(B) by striking the period at the end and inserting the following: ''(D) on the organisms that are likely to be present in various ecosystems; (E) on the bioavailability of pollutants under various natural and man induced conditions; (F) on the magnitude, duration, and frequency of exposure reasonably required to induce the adverse effects of concern; and (G) on the bioaccumulation threat presented under various natural conditions.''.

(2) CERTIFICATION.—Section 304(a) (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(10) CERTIFICATION.—

''(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this paragraph, and at least once every 5 years thereafter, the Administrator shall publish a written certification that the criteria for water quality developed under paragraph (1) reflect the latest and best scientific knowledge.

''(B) UPDATING OF EXISTING CRITERIA.—Not later than 90 days after the date of the enactment of this paragraph, the Administrator shall publish a schedule for updating, by not later than 5 years after the date of the enactment of this paragraph, the criteria for water quality developed under paragraph (1) before the date of the enactment of this subsection.

''(C) DEADLINE FOR REVISION OF CERTAIN CRITERIA.—Not later than 1 year after the date of the enactment of this paragraph, the Administrator shall revise and publish criteria under paragraph (1) for ammonia, chronic whole effluent toxicity, and metals as necessary to allow the Administrator to make the certification under subparagraph (A).''.

(b) CONSIDERATION OF CERTAIN CONTAMINANTS.—Section 304(a) (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(11) CONSIDERATION OF CERTAIN CONTAMINANTS.—In developing and revising criteria for water quality criteria under paragraph (1), the Administrator shall consider addressing, at a minimum, each contaminant regulated pursuant to section 1412 of the Public Health Service Act (42 U.S.C. 300g–1).''.

(c) COST ESTIMATE.—Section 304(a) (33 U.S.C. 1314(a)) is further amended by adding at the end the following:

''(12) COST ESTIMATE.—Whenever the Administrator issues or revises a criteria for water quality under paragraph (1), the Administrator, after consultation with Federal and State agencies and other interested persons, shall develop and publish an estimate of the costs that would likely be incurred if sources were required to comply with the criteria and an analysis to support the estimate. Such analysis shall meet the requirements relevant to the estimation of costs published in guidance issued under section 324(b).''.

(d) REVISION OF EFFLUENT LIMITATIONS.—

(1) ELIMINATION OF REQUIREMENT FOR ANNUAL REVISION.—Section 304(b) (33 U.S.C. 1314(b)) is amended in the matter preceding paragraph (1) by striking ''and, at least annually thereafter,'' and inserting ''and thereafter shall''.

(2) SPECIAL RULE.—Section 304(b) (33 U.S.C. 1314(b)) is amended by striking the period at the end of the first sentence and inserting the following: ''; except that guidelines issued under paragraph (1)(A) addressing pollutants identified pursuant to subsection (a)(4) shall not be revised after February 15, 1995, to be more stringent unless such revised guidelines meet the requirements of paragraph (4)(A).''.

(e) SCHEDULE FOR REVIEW OF GUIDELINES.—Section 304(m)(1) (33 U.S.C. 1314(m)(1)) is amended to read as follows:

''(1) PUBLICATION.—Not later than 3 years after the date of the enactment of the Clean Water Amendments of 1995, the Administrator shall publish in the Federal Register a plan which shall—

''(A) identify categories of sources discharging pollutants for which guidelines under subsection (b)(2) of this section and section 306 have not been previously published;

''(B) establish a schedule for determining whether such discharge presents a significant risk to human health and the environment and whether such risk is sufficient, when compared to other sources of pollutants in navigable waters, to warrant regulation by the Administrator; and

''(C) establish a schedule for issuance of effluent guidelines for those categories identified pursuant to subparagraph (B).''.

(f) REVISION OF PRETREATMENT REQUIREMENTS.—Section 304(g)(1) (33 U.S.C. 1314(g)(1)) is amended by striking ''and review at least annually thereafter and, if appropriate, revise'' and insert ''and thereafter revise, as appropriate,''.

(g) CENTRAL TREATMENT FACILITY EXEMPTION.—Section 304 (33 U.S.C. 1314) is amended by adding at the end the following:

''(n) CENTRAL TREATMENT FACILITY EXEMPTION.—The exemption from effluent guidelines for the Iron and Steel Manufacturing Point Source Category set forth in section 420.01(b) of title 40, Code of Federal Regulations, for the facilities listed in such section shall remain in effect for any facility that met the requirements of such section on or before July 26, 1982, until the Administrator develops alternative effluent guidelines for the facility.''.

SEC. 308. INFORMATION AND GUIDELINES.

Section 304(i)(2)(D) (33 U.S.C. 1314(i)(2)(D)) is amended by striking ''any person'' and all that follows through the period at the end and inserting the following: ''any person (other than a

retiree or an employee or official of a city, county, or local governmental agency) who receives a significant portion of his or her income during the period of service on the board or body directly or indirectly from permit holders or applicants for a permit).''.

SEC. 309. SECONDARY TREATMENT.

(a) COASTAL DISCHARGES.—Section 304(d) (33 U.S.C. 1314(d)) is amended by adding at the end the following:

''(5) COASTAL DISCHARGES.—For purposes of this subsection, any municipal wastewater treatment facility shall be deemed the equivalent of a secondary treatment facility if each of the following requirements is met:

''(A) The facility employs chemically enhanced primary treatment.

''(B) The facility, on the date of the enactment of this paragraph, discharges through an ocean outfall into an open marine environment greater than 4 miles offshore into a depth greater than 300 feet.

''(C) The facility's discharge is in compliance with all local and State water quality standards for the receiving waters.

''(D) The facility's discharge will be subject to an ocean monitoring program acceptable to relevant Federal and State regulatory agencies.''.

(b) MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS.—

(1) IN GENERAL.—Section 301 (33 U.S.C. 1311) is amended by adding at the end the following:

''(s) MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator, with the concurrence of the State, shall issue a 10-year permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from a publicly owned treatment works into marine waters which are at least 150 feet deep through an ocean outfall which discharges at least 1 mile offshore, if the applicant demonstrates that—

''(A) there is an applicable ocean plan and the facility's discharge is in compliance with all local and State water quality standards for the receiving waters;

''(B) the facility's discharge will be subject to an ocean monitoring program determined to be acceptable by relevant Federal and State regulatory agencies;

''(C) the applicant has an Agency approved pretreatment plan in place; and

''(D) the applicant, at the time such modification becomes effective, will be discharging effluent which has received at least chemically enhanced primary treatment and achieves a monthly average of 75 percent removal of suspended solids.

''(2) DISCHARGE OF ANY POLLUTANT INTO MARINE WATERS DEFINED.—For purposes of this subsection, the term 'discharge of any pollutant into marine waters' means a discharge into deep waters of the territorial sea or the waters of the contiguous zone, or into saline estuarine waters where there is strong tidal movement.

''(3) DEADLINE.—On or before the 90th day after the date of submittal of an application for a modification under paragraph (1), the Administrator shall issue to the applicant a modified permit under section 402 or a written determination that the application does not meet the terms and conditions of this subsection.

''(4) EFFECT OF FAILURE TO RESPOND.—If the Administrator does not respond to an application for a modification under paragraph (1) on or before the 90th day referred to in paragraph (3), the application shall be deemed approved and the modification sought by the applicant shall be in effect for the succeeding 10-year period.''.

(2) EXTENSION OF APPLICATION DEADLINE.—Section 301(j) (33 U.S.C. 1311(j)) is amended by adding at the end the following:

''(6) EXTENSION OF APPLICATION DEADLINE.—In the 365-day period beginning on the date of the enactment of this paragraph, municipalities may apply for a modification pursuant to subsection (s) of the requirements of subsection (b)(1)(B) of this section.''.

(c) MODIFICATIONS FOR SMALL SYSTEM TREATMENT TECHNOLOGIES.—Section 301 (33 U.S.C. 1311) is amended by adding at the end the following:

''(t) MODIFICATIONS FOR SMALL SYSTEM TREATMENT TECHNOLOGIES.—The Administrator, with the concurrence of the State, or a State with an approved program under section 402 may issue a permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from a publicly owned treatment works serving a community of 20,000 people or fewer if the applicant demonstrates to the satisfaction of the Administrator that—

''(1) the effluent from such facility originates primarily from domestic users; and

''(2) such facility utilizes a properly constructed and operated alternative treatment system (including recirculating sand filter systems, constructed wetlands, and oxidation lagoons) which is equivalent to secondary treatment or will provide in the receiving waters and watershed an adequate level of protection to human health and the environment and contribute to the attainment of water quality standards.''.

(d) PUERTO RICO.—Section 301 (33 U.S.C. 1311) is further amended by adding at the end the following:

''(u) PUERTO RICO.—

''(1) STUDY BY GOVERNMENT OF PUERTO RICO.—Not later than 3 months after the date of the enactment of this section, the Government of Puerto Rico may, after consultation with the Administrator, initiate a study of the marine environment of Anasco Bay off the coast of the Mayaguez region of Puerto Rico to determine the feasibility of constructing a deepwater outfall for the publicly owned treatment works located at Mayaguez, Puerto Rico. Such study shall recommend one or more technically feasible locations for the deepwater outfall based on the effects of such outfall on the marine environment.

''(2) APPLICATION FOR MODIFICATION.—Notwithstanding subsection (j)(1)(A), not later than 18 months after the date of the enactment of this section, an application may be submitted for a modification pursuant to subsection (h) of the requirements of subsection (b)(1)(B) of this section by the owner of the publicly owned treatment works at Mayaguez, Puerto Rico, for a deepwater outfall at a location recommended in the study conducted pursuant to paragraph (1).

''(3) INITIAL DETERMINATION.—On or before the 90th day after the date of submittal of an application for modification under paragraph (2), the Administrator shall issue to the applicant a draft initial determination regarding the modification of the existing permit.

''(4) FINAL DETERMINATION.—On or before the 270th day after the date of submittal of an application for modification under paragraph (2), the Administrator shall issue a final determination regarding such modification.

''(5) EFFECTIVENESS.—If a modification is granted pursuant to an application submitted under this subsection, such modification shall be effective only if the new deepwater outfall is operational within 5 years after the date of the enactment of this subsection. In all other aspects, such modification shall be effective for the period applicable to all modifications granted under subsection (h).''.

SEC. 310. TOXIC POLLUTANTS.

(a) TOXIC EFFLUENT LIMITATIONS AND STANDARDS.—Section 307(a)(2) (33 U.S.C. 1317(a)(2)) is amended—

(1) by striking ''(2) Each'' and inserting the following:

''(2) TOXIC EFFLUENT LIMITATIONS AND STANDARDS.—

''(A) IN GENERAL.—Each'';

(2) by moving paragraph (2) 2 ems to the right;

(3) by indenting subparagraph (A), as so designated, and moving the remaining text of such subparagraph 2 ems further to the right; and

(4) in subparagraph (A), as so designated, by striking the third sentence; and

(5) by adding at the end the following:

''(B) FACTORS.—The published effluent standard (or prohibition) shall take into account—

''(i) the pollutant's persistence, toxicity, degradability, and bioaccumulation potential;

''(ii) the magnitude and risk of exposure to the pollutant, including risks to affected organisms and the importance of such organisms;

''(iii) the relative contribution of point source discharges of the pollutant to the overall risk from the pollutant;

''(iv) the availability of, costs associated with, and risk posed by substitute chemicals or processes or the availability of treatment processes or control technology;

''(v) the beneficial and adverse social and economic effects of the effluent standard, including the impact on energy resources;

''(vi) the extent to which effective control is being or may be achieved in an expeditious manner under other regulatory authorities;

''(vii) the impact on national security interests; and

''(viii) such other factors as the Administrator considers appropriate.''.

(b) BEACH WATER QUALITY MONITORING.—

(1) IN GENERAL.—Section 304 is further amended by adding at the end the following:

''(o) BEACH WATER QUALITY MONITORING.—After consultation with appropriate Federal, State, and local agencies and after providing notice and opportunity for public comment, the Administrator shall develop and issue, not later than 18 months after the date of the enactment of this Act, guidance that States may use in monitoring water quality at beaches and issuing health advisories with respect to beaches, including testing protocols, recommendations on frequency of testing and monitoring, recommendations on pollutants for which monitoring and testing should be conducted, and recommendations on when health advisories should be issued. Such guidance shall be based on the best available scientific information and be sufficient to protect public health and safety in the case of any reasonably expected exposure to pollutants as a result of swimming or bathing.''.

(2) REPORTS.—Section 516(a) (33 U.S.C. 1375(a)) is amended by striking ''and (9)'' and inserting ''(9) the monitoring conducted by States on the water quality of beaches and the issuance of health advisories with respect to beaches, and (10)''.

(c) FISH CONSUMPTION ADVISORIES.—Any fish consumption advisories issued by the Administrator shall be based upon the protocols, methodology, and findings of the Food and Drug Administration.

SEC. 311. LOCAL PRETREATMENT AUTHORITY.

Section 307 (33 U.S.C. 1317) is amended by adding at the end the following new subsection:

''(f) LOCAL PRETREATMENT AUTHORITY.—

''(1) DEMONSTRATION.—If, to carry out the purposes identified in paragraph (2), a publicly owned treatment works with an approved pretreatment program demonstrates to the satisfaction of the Administrator, or a State with an approved program under section 402, that—

''(A) such publicly owned treatment works is in compliance, and is likely to remain in compliance, with its permit under section 402, including applicable effluent limitations and narrative standards;

''(B) such publicly owned treatment works is in compliance, and is likely to remain in compliance, with applicable air emission limitations;

''(C) biosolids produced by such publicly owned treatment works meet beneficial use requirements under section 405; and

''(D) such publicly owned treatment works is likely to continue to meet all applicable State requirements;

the approved pretreatment program shall be modified to allow the publicly owned treatment works to apply local limits in lieu of categorical pretreatment standards promulgated under this section.

''(2) PURPOSES.—The publicly owned treatment works may make the demonstration to the Administrator or the State, as the case may be, to apply local limits in lieu of categorical pretreatment standards, as the treatment works deems necessary, for the purposes of—

''(A) reducing the administrative burden associated with the designation of an 'industrial user' as a 'categorical industrial user'; or

''(B) eliminating additional redundant or unnecessary treatment by industrial users which has little or no environmental benefit.

''(3) LIMITATIONS.—

''(A) SIGNIFICANT NONCOMPLIANCE.—The publicly owned treatment works may not apply local limits in lieu of categorical pretreatment standards to any industrial user which is in significant noncompliance (as defined by the Administrator) with its approved pretreatment program.

''(B) PROCEDURES.—A demonstration to the Administrator or the State under paragraph (1) must be made under the procedures for pretreatment program modification provided under this section and section 402.

''(4) ANNUAL REVIEW.—

''(A) DEMONSTRATION RELATING TO ABILITY TO MEET CRITERIA.—As part of the annual pretreatment report of the publicly owned treatment works to the Administrator or State, the treatment works shall demonstrate that application of local limits in lieu of categorical pretreatment standards has not resulted in the inability of the treatment works to meet the criteria of paragraph (1).

''(B) TERMINATION OF AUTHORITY.—If the Administrator or State determines that application of local limits in lieu of categorical pretreatment standards has resulted in the inability of the treatment works to meet the criteria of paragraph (1), the authority of a publicly owned treatment works under this section shall be terminated and any affected industrial user shall have a reasonable period of time to be determined by the Administrator or State, but not to exceed 2 years, to come into compliance with any otherwise applicable requirements of this Act.''.

SEC. 312. COMPLIANCE WITH MANAGEMENT PRACTICES.

Section 307 (33 U.S.C. 1317) is amended by adding at the end the following:

''(g) COMPLIANCE WITH MANAGEMENT PRACTICES.—

''(1) SPECIAL RULE.—The Administrator or a State with a permit program approved under section 402 may allow any person that introduces silver into a publicly owned treatment works to comply with a code of management practices with respect to the introduction of silver into the treatment works for a period not to exceed 5 years beginning on the date of the enactment of this subsection in lieu of complying with any pretreatment requirement (including any local limit) based on an effluent limitation for the treatment works derived from a water quality standard for silver—

''(A) if the treatment works has accepted the code of management practices;

''(B) if the code of management practices meets the requirements of paragraph (2); and

''(C) if the facility is—

''(i) part of a class of facilities for which the code of management practices has been approved by the Administrator or the State;

''(ii) in compliance with a mass limitation or concentration level for silver attainable with the application of the best available technology economically achievable for such facilities, as established by the Administrator after a review of the treatment and management practices of such class of facilities; and

''(iii) implementing the code of management practices.

''(2) CODE OF MANAGEMENT PRACTICES.—A code of management practices meets the requirements of this paragraph if the code of management practices—

''(A) is developed and adopted by representatives of industry and publicly owned treatment works of major urban areas;

''(B) is approved by the Administrator or the State, as the case may be;

''(C) reflects acceptable industry practices to minimize the amount of silver introduced into publicly owned treatment works or otherwise entering the environment from the class of facilities for which the code of management practices is approved; and

''(D) addresses, at a minimum—

''(i) the use of the best available technology economically achievable, based on a review of the current state of such technology for such class of facilities and of the effluent guidelines for such facilities;

''(ii) water conservation measures available to reduce the total quantity of discharge from such facilities to publicly owned treatment works;

''(iii) opportunities to recover silver (and other pollutants) from the waste stream prior to introduction into a publicly owned treatment works; and

''(iv) operating and maintenance practices to minimize the amount of silver introduced into publicly owned treatment works and to assure consistent performance of the management practices and treatment technology specified under this paragraph.

''(3) INTERIM EXTENSION FOR POTWS RECEIVING SILVER.—In any case in which the Administrator or a State with a permit program approved under section 402 allows under paragraph (1) a person to comply with a code of management practices for a period of not to exceed 5 years in lieu of complying with a pretreatment requirement (including a local limit) for silver, the Administrator or State, as applicable, shall modify the permit conditions and effluent limitations for any affected publicly owned treatment works to defer for such period compliance with any effluent limitation derived from a water quality standard for silver beyond that required by section 301(b)(2), notwithstanding the provisions of section 303(d)(4) and 402(o), if the Administrator or the State, as applicable, finds that—

''(A) the quality of any affected waters and the operation of the treatment works will be adequately protected during such period by implementation of the code of management practices and the use of best technology economically achievable by persons introducing silver into the treatment works;

''(B) the introduction of pollutants into such treatment works is in compliance with paragraphs (1) and (2); and

''(C) a program of enforcement by such treatment works and the State ensures such compliance.''.

SEC. 313. FEDERAL ENFORCEMENT.

(a) ADJUSTMENT OF PENALTIES.—Section 309 (33 U.S.C. 1319) is amended by adding at the end the following:

''(h) ADJUSTMENT OF MONETARY PENALTIES FOR INFLATION.—

''(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this subsection, and at least once every 4 years thereafter, the Administrator shall adjust each monetary penalty provided by this section in accordance with paragraph (2) and publish such adjustment in the Federal Register.

''(2) METHOD.—An adjustment to be made pursuant to paragraph (1) shall be determined by increasing or decreasing the maximum monetary penalty or the range of maximum monetary penalties, as appropriate, by multiplying the cost-of-living adjustment and the amount of such penalty.

''(3) COST-OF-LIVING ADJUSTMENT DEFINED.—In this subsection, the term 'cost-of-living' adjustment means the percentage (if any) for each monetary penalty by which—

''(A) the Consumer Price Index for the month of June of the calendar year preceding the adjustment; is greater or less than

''(B) the Consumer Price Index for—

''(i) with respect to the first adjustment under this subsection, the month of June of the calendar year preceding the date of the enactment of this subsection; and

''(ii) with respect to each subsequent adjustment under this subsection, the month of June of the calendar year in which the amount of such monetary penalty was last adjusted under this subsection.

''(4) ROUNDING.—In making adjustments under this subsection, the Administrator may round the dollar amount of a penalty, as appropriate.

''(5) APPLICABILITY.—Any increase or decrease to a monetary penalty resulting from this subsection shall apply only to violations which occur after the date any such increase takes effect.''.

(b) JOINING STATES AS PARTIES IN ACTIONS INVOLVING MUNICIPALITIES.—Section 309(e) (33 U.S.C. 1319(e)) is amended by striking ''shall be joined as a party. Such State'' and inserting ''may be joined as a party. Any State so joined as a party''.

SEC. 314. RESPONSE PLANS FOR DISCHARGES OF OIL OR HAZARDOUS SUBSTANCES.

(a) IN GENERAL.—The requirements of section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)) shall not apply with respect to—

(1) a municipal or industrial treatment works at which no greater than a de minimis quantity of oil or hazardous substances is stored; or

(2) a facility that stores process water mixed with a de minimis quantity of oil.

(b) REGULATIONS.—The President shall issue regulations clarifying the meaning of the term ''de minimis quantity of oil or hazardous substances'' as used in this section.

SEC. 315. MARINE SANITATION DEVICES.

Section 312(c)(1)(A) (33 U.S.C. 1322(c)(1)(A)) is amended by adding at the end the following: ''Not later than 2 years after the date of the enactment of this sentence, and at least once every 5 years thereafter, the Administrator, in consultation with the Secretary of the Department in which the Coast Guard is operating and after providing notice and opportunity for public comment, shall review such standards and regulations to take into account improvements in technology relating to marine sanitation devices and based on such review shall make such revisions to such standards and regulations as may be necessary.''.

SEC. 316. FEDERAL FACILITIES.

(a) APPLICATION OF CERTAIN PROVISIONS.—Section 313(a) (33 U.S.C. 1323(a)) is amended by striking all preceding subsection (b) and inserting the following:

''SEC. 313. FEDERAL FACILITIES POLLUTION CONTROL.

''(a) APPLICABILITY OF FEDERAL, STATE, INTERSTATE, AND LOCAL LAWS.—

''(1) IN GENERAL.—Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government—

''(A) having jurisdiction over any property or facility, or

''(B) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants,

and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner and to the same extent as any nongovernmental entity, including the payment of reasonable service charges.

''(2) TYPES OF ACTIONS COVERED.—Paragraph (1) shall apply—

''(A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits, and any other requirement),

''(B) to the exercise of any Federal, State, or local administrative authority, and

''(C) to any process and sanction, whether enforced in Federal, State, or local courts or in any other manner.

''(3) PENALTIES AND FINES.—The Federal, State, interstate, and local substantive and procedural requirements, administrative authority, and process and sanctions referred to in paragraph (1) include all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

''(4) SOVEREIGN IMMUNITY.—

''(A) WAIVER.—The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any requirement, administrative authority, and process and sanctions referred to in paragraph (1) (including any injunctive relief, any administrative order, any civil or administrative penalty or fine referred to in paragraph (3), or any reasonable service charge).

''(B) PROCESSING FEES.—The reasonable service charges referred to in this paragraph include fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local water pollution regulatory program.

''(5) EXEMPTIONS.—

''(A) GENERAL AUTHORITY OF PRESIDENT.—The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any requirement to which paragraph (1) applies if the President determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act.

''(B) LIMITATION.—No exemptions shall be granted under subparagraph (A) due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

''(C) TIME PERIOD.—Any exemption under subparagraph (A) shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods of not to exceed 1 year upon the President's making a new determination.

''(D) MILITARY PROPERTY.—In addition to any exemption of a particular effluent source, the President may, if the President determines it to be in the paramount interest of the United States to do so, issue regulations exempting from compliance with the requirements of this section any weaponry, equipment, aircraft, vessels, vehicles, or other classes or categories of property, and access to such property, which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature. The President shall reconsider the need for such regulations at 3-year intervals.

''(E) REPORTS.—The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with the President's reason for granting such exemption.

''(6) VENUE.—Nothing in this section shall be construed to prevent any department, agency, or instrumentality of the Federal Government, or any officer, agent, or employee thereof in the performance of official duties, from removing to the appropriate Federal district court any proceeding to which the department, agency, or instrumentality or officer, agent, or employee thereof is subject pursuant to this section, and any such proceeding may be removed in accordance with chapter 89 of title 28, United States Code.

''(7) PERSONAL LIABILITY OF FEDERAL EMPLOYEES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local water pollution law with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

''(8) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including any fine or imprisonment) under any Federal or State water pollution law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.''.

(b) FUNDS COLLECTED BY A STATE.—Section 313 (33 U.S.C. 1323) is further amended by adding at the end the following:

''(c) LIMITATION ON STATE USE OF FUNDS.—Unless a State law in effect on the date of the enactment of this subsection or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government in penalties and fines imposed for the violation of a substantive or procedural requirement referred to in subsection (a) shall be used by a State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.''.

(c) ENFORCEMENT.—Section 313 is further amended by adding at the end the following:

''(d) FEDERAL FACILITY ENFORCEMENT.—

''(1) ADMINISTRATIVE ENFORCEMENT BY EPA.—The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act.

''(2) PROCEDURE.—The Administrator shall initiate an administrative enforcement action against a department, agency, or instrumentality under this subsection in the same manner and under the same circumstances as an action would be initiated against any other person under this Act. The amount of any administrative penalty imposed under this subsection shall be determined in accordance with section 309(d) of this Act.

''(3) VOLUNTARY SETTLEMENT.—Any voluntary resolution or settlement of an action under this subsection shall be set forth in an administrative consent order.

''(4) CONFERRAL WITH EPA.—No administrative order issued to a department, agency, or instrumentality under this section shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.''.

(d) LIMITATION ON ACTIONS AND RIGHT OF INTERVENTION.—Section 313 is further amended by adding at the end the following:

''(e) LIMITATION ON ACTIONS AND RIGHT OF INTERVENTION.—Any violation with respect to which the Administrator has commenced and is diligently prosecuting an action under this subsection, or for which the Administrator has issued a final order and the violator has either paid a penalty or fine assessed under this subsection or is subject to an enforceable schedule of corrective actions, shall not be the subject of an action under section 505 of this Act. In any action under this subsection, any citizen may intervene as a matter of right.''.

(e) DEFINITION OF PERSON.—Section 502(5) (33 U.S.C. 1362(5)) is amended by inserting before the period at the end the following: ''and includes any department, agency, or instrumentality of the United States''.

(f) DEFINITION OF RADIOACTIVE MATERIALS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(24) The term 'radioactive materials' includes source materials, special nuclear materials, and byproduct materials (as such terms are defined under the Atomic Energy Act of 1954) which are used, produced, or managed at facilities not licensed by the Nuclear Regulatory Commission; except that such term does not include any material which is discharged from a vessel covered by Executive Order 12344 (42 U.S.C. 7158 note; relating to the Naval Nuclear Propulsion Program).''.

(g) CONFORMING AMENDMENTS.—Section 313(b) (33 U.S.C. 1323(b)) is amended—

(1) by striking ''(b)(1)'' and inserting the following:

''(b) WASTEWATER FACILITIES.—

''(1) COOPERATION FOR USE OF WASTEWATER CONTROL SYSTEMS.—'';

(2) in paragraph (2) by inserting ''LIMITATION ON CONSTRUCTION.—'' before ''Construction''; and

(3) by moving paragraphs (1) and (2) 2 ems to the right.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall only apply to violations occurring after such date of enactment.

SEC. 317. CLEAN LAKES.

(a) PRIORITY LAKES.—Section 314(d)(2) (33 U.S.C. 1324(d)(2)) is amended by inserting ''Paris Twin Lakes, Illinois; Otsego Lake, New York; Raystown Lake, Pennsylvania;'' after ''Minnesota;''.

(b) FUNDING.—Section 314 (33 U.S.C. 1324) is amended by adding at the end the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 per fiscal year for each of fiscal years 1996 through 2000.''.

SEC. 318. COOLING WATER INTAKE STRUCTURES.

Section 316(b) (33 U.S.C. 1326(b)) is amended—

(1) by inserting after ''(b)'' the following: ''STANDARD FOR COOLING WATER INTAKE STRUCTURES.—'';

(2) by inserting before ''Any'' the following: ''(1) IN GENERAL.—'';

(3) by indenting paragraph (1), as designated by paragraph (2) of this section, and moving such paragraph 2 ems to the right; and

(4) by adding at the end the following:

''(2) NEW POINT SOURCE CONSIDERATIONS.—In establishing a standard referred to in paragraph (1) for cooling water intake structures located at new point sources, the Administrator shall consider, at a minimum, the following:

''(A) The relative technological, engineering, and economic feasibility of possible technologies or techniques for minimizing any such adverse environmental impacts.

''(B) The relative technological, engineering, and economic feasibility of possible site locations, intake structure designs, and cooling water flow techniques.

''(C) The relative environmental, social, and economic costs and benefits of possible technologies, techniques, site locations, intake structure designs, and cooling water flow techniques.

''(D) The projected useful life of the new point source.

''(3) EXISTING POINT SOURCES.—For existing point sources, the Administrator may require the use of best technology available in the case of existing cooling water intake structures if the Administrator determines such structures are having or could have a significant adverse impact on the aquatic environment. In establishing a standard referred to in paragraph (1) for such existing point sources, the Administrator shall consider, at a minimum, the following:

''(A) The relative technological, engineering, and economic feasibility of reasonably available retrofit technologies or techniques for minimizing any such adverse environmental impacts.

''(B) Other mitigation measures for offsetting the anticipated adverse environmental impacts resulting from the withdrawal of cooling water.

''(C) Relative environmental, social, and economic costs and benefits of possible retrofit technologies, techniques, and mitigation measures.

''(D) The projected remaining useful life of the existing point source.

''(4) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) NEW POINT SOURCE.—The term 'new point source' means any point source the construction of which will commence after the publication of proposed regulations prescribing a standard for intake structures that will be applicable to such source if such standard is promulgated in accordance with paragraph (2).

''(B) EXISTING POINT SOURCE.—The term 'existing point source' means any point source that is not a new point source.''.

SEC. 319. NONPOINT SOURCE MANAGEMENT PROGRAMS.

(a) STATE ASSESSMENT REPORT.—

(1) CONTENTS.—Section 319(a)(1)(C) (33 U.S.C. 1329(a)(1)(C)) is amended by striking ''best management practices and''.

(2) INFORMATION USED IN PREPARATION.—Section 319(a)(2) is amended—

(A) by inserting '', reviewing, and revising'' after ''developing''; and

(B) by striking ''section'' the first place it appears and inserting ''subsection''.

(3) REVIEW AND REVISION.—Section 319(a) is amended by adding at the end the following:

''(3) REVIEW AND REVISION.—Not later than 18 months after the date of the enactment of the Clean Water Amendments of 1995, and every 5 years thereafter, the State shall review, revise, and submit to the Administrator the report required by this subsection.''.

(b) STATE MANAGEMENT PROGRAM.—

(1) TERM OF PROGRAM.—Section 319(b)(1) is amended by striking ''four'' and inserting ''5''.

(2) CONTENTS.—Section 319(b)(2) is amended—

(A) in subparagraph (A)—

(i) by striking ''best'';

(ii) by striking ''paragraph (1)(B)'' and inserting ''subsection (a)(1)(B)''; and

(iii) by inserting ''and measure'' after ''practice'';

(B) in subparagraph (B)—

(i) by striking ''nonregulatory or regulatory programs for enforcement,'' and inserting ''one or more of the following: voluntary programs, incentive-based programs, regulatory programs, enforceable policies and mechanisms, State management programs approved under section 306 of the Coastal Zone Management Act of 1972,''; and

(ii) by striking ''achieve implementation'' and all that follows before the period and inserting ''manage categories, subcategories, or particular nonpoint sources to the degree necessary to provide for reasonable further progress toward the goal of attaining water quality standards within 15 years of approval of the State program for those waters identified under subsection (a)(1)(A)'';

(C) by striking subparagraph (C) and inserting the following:

''(C) A schedule containing interim goals and milestones for making reasonable progress toward the attainment of standards, which may be demonstrated by one or any combination of the following: improvements in water quality (including biological indicators), documented implementation of voluntary nonpoint source control practices and measures, and adoption of enforceable policies and mechanisms.'';

(D) in subparagraph (D) by striking ''A certification of'' and inserting ''After the date of the enactment of the Clean Water Amendments of 1995, a certification by''; and

(E) by adding at the end the following:

''(G) A description of the monitoring or other assessment which will be carried out under the program for the purposes of monitoring and assessing the effectiveness of the program, including the attainment of interim goals and milestones.

''(H) An identification of activities on Federal lands in the State that are inconsistent with the State management program.

''(I) An identification of goals and milestones for progress in attaining water quality standards, including a projected date for attaining such standards as expeditiously as practicable but not later than 15 years after the date of approval of the State program for each of the waters listed pursuant to subsection (a).''.

(3) UTILIZATION OF LOCAL AND PRIVATE EXPERTS.—Section 319(b)(3) is amended by inserting before the period at the end the following: '', including academic institutions, private industry experts, and other individual experts in water resource conservation and planning''.

(4) NEW TECHNOLOGIES; USE OF RESOURCES; AGRICULTURAL PROGRAMS.—Section 319(b) is amended by adding at the end the following:

''(5) RECOGNITION OF NEW TECHNOLOGIES.—In developing and implementing a management program under this subsection, a State may recognize and utilize new practices, technologies, processes, products, and other alternatives.

''(6) EFFICIENT AND EFFECTIVE USE OF RESOURCES.—In developing and implementing a management program under this subsection, a State may recognize and provide for a methodology which takes into account situations in which management measures used to control one pollutant have an adverse impact with respect to another pollutant. The methodology should encourage the balanced combination of measures which best address the various impairments on the watershed or site.

''(7) RECOGNITION OF AGRICULTURAL PROGRAMS.—Any agricultural producer who has voluntarily developed and is implementing an approved whole farm or ranch natural resources management plan shall be considered to be in compliance with the requirements of a State program developed under this section—

''(A) if such plan has been developed under a program subject to a memorandum of agreement between the Chief of the Natural Resources Conservation Service and the Governor, or their respective designees; and

''(B) if such memorandum of agreement specifies—

''(i) the scope and content of the Natural Resources Conservation Service program (not an individual farm or ranch plan) in the State or regions of the State;

''(ii) the terms of approval, implementation, and duration of a voluntary farm or ranch plan for agricultural producers;

''(iii) the responsibilities for assessing implementation of voluntary whole farm and ranch natural resource management plans; and

''(iv) the duration of such memorandum of agreement.

At a minimum, such memorandum of agreement shall be reviewed and may be revised every 5 years, as part of the State review of its management program under this section.''.

(c) SUBMISSION OF MANAGEMENT PROGRAMS.—Paragraph (2) of section 319(c) is amended to read as follows:

''(2) TIME PERIOD FOR SUBMISSION OF MANAGEMENT PROGRAMS.—Each management program shall be submitted to the Administrator within 30 months of the issuance by the Administrator of the final guidance under subsection (o) and every 5 years thereafter. Each program submission after the initial submission following the date of the enactment of the Clean Water Amendments of 1995 shall include a demonstration of reasonable further progress toward the goal of attaining water quality standards within 15 years of approval of the State program, including documentation of the degree to which the State has achieved the interim goals and milestones contained in the previous program submission. Such demonstration shall take into account the adequacy of Federal funding under this section.''.

(d) APPROVAL AND DISAPPROVAL OF REPORTS AND MANAGEMENT PROGRAMS.—

(1) DEADLINE.—Section 319(d)(1) is amended by inserting ''or revised report'' after ''any report''.

(2) DISAPPROVAL.—Section 319(d)(2) is amended—

(A) in subparagraph (B) by inserting before the semicolon the following: ''; except that such program or portion shall not be disapproved solely because the program or portion does not include enforceable policies or mechanisms'';

(B) in subparagraph (D) by striking ''are not adequate'' and all that follows before the semicolon and inserting the following: ''will not result in reasonable further progress toward the attainment of applicable water quality standards under section 303 as expeditiously as possible but not later than 15 years after approval of the State program''; and

(C) in the text following subparagraph (D)—

(i) by striking ''3 months'' and inserting ''6 months''; and

(ii) by inserting ''or portion thereof'' before ''within three months of receipt''.

(3) FAILURE TO SUBMIT REPORT.—Section 319(d)(3) is amended—

(A) by striking ''the report'' and inserting ''a report or revised report'';

(B) by striking ''30 months'' and inserting ''18 months''; and

(C) by striking ''of the enactment of this section'' and inserting ''on which such report is required to be submitted under subsection (a)''.

(4) PROGRAM MANAGEMENT BY THE ADMINISTRATOR.—Section 319(d) is amended by adding at the end the following:

''(4) FAILURE OF STATE TO SUBMIT PROGRAM.—

''(A) PROGRAM MANAGEMENT BY THE ADMINISTRATOR.—If a State fails to submit a management program or revised management program under subsection (b) or the Administrator disapproves such management program, the Administrator shall prepare and implement a management program for controlling pollution added from nonpoint sources to the navigable waters within the State and improving the quality of such waters in accordance with subsection (b).

''(B) NOTICE AND HEARING.—If the Administrator intends to disapprove a program submitted by a State, the Administrator shall first notify the Governor of the State in writing of the modifications necessary to meet the requirements of this section. The Administrator shall provide adequate public notice and an opportunity for a public hearing for all interested parties.

''(C) STATE REVISION OF ITS PROGRAM.—If, after taking into account the level of funding actually provided as compared with the level authorized under subsection (j), the Administrator determines that a State has failed to demonstrate reasonable further progress toward the attainment of water quality standards as required, the State shall revise its program within 12 months of that determination in a manner sufficient to achieve attainment of applicable water quality standards by the deadline established by this Act. If a State fails to make such a program revision or the Administrator disapproves such a revision, the Administrator shall prepare and implement a nonpoint source management program for the State.''.

(e) TECHNICAL ASSISTANCE.—Section 319(f) is amended by inserting ''and implementing'' after ''developing''.

(f) GRANT PROGRAM.—

(1) IN GENERAL.—Section 319(h)(1) is amended—

(A) by amending the paragraph heading to read as follows: ''GRANTS FOR PREPARATION AND IMPLEMENTATION OF REPORTS AND MANAGEMENT PROGRAMS.—'';

(B) by striking ''for which a report submitted under subsection (a) and a management program submitted under subsection (b) is approved under this section'';

(C) by striking ''the Administrator shall make grants'' and inserting ''the Administrator may make grants under this subsection'';

(D) by striking ''under this subsection to such State'' and inserting ''to such State'';

(E) by striking ''implementing such management program'' and inserting ''preparing a report under subsection (a) and in preparing and implementing a management program under subsection (b)'';

(F) by inserting after the first sentence the following: ''Grants for implementation of such management program may be made only after such report and management program are approved under this section.''; and

(G) by adding at the end the following: ''The Administrator is authorized to provide funds to a State if necessary to implement an approved portion of a State program or, with the approval of the Governor of the State, to implement a component of a federally established program. The Administrator may continue to make grants to any State with an program approved on the day before the date of the enactment of the Clean Water Amendments of 1995 until the Administrator withdraws the approval of such program or the State fails to submit a revision of such program in accordance with subsection (c)(2).''.

(2) FEDERAL SHARE.—Section 319(h)(3) is amended—

(A) by striking ''management program implemented'' and inserting ''report prepared and management program prepared and implemented'';

(B) by striking ''60 percent'' and inserting ''75 percent'';

(C) by striking ''implementing such management program'' and inserting ''preparing such report and preparing and implementing such management program''; and

(D) by inserting ''of program implementation'' after ''non-Federal share''.

(3) LIMITATION ON GRANT AMOUNTS.—Section 319(h)(4) is amended—

(A) by inserting before the first sentence the following: ''The Administrator shall establish, after consulting with the States, maximum and minimum grants for any fiscal year to promote equity between States and effective nonpoint source management.''; and

(B) by adding at the end the following: ''The minimum percentage of funds allocated to each State shall be 0.5 percent of the amount appropriated.''.

(4) ALLOCATION OF GRANT FUNDS.—Paragraph (5) of section 319(h) is amended to read as follows:

''(5) ALLOCATION OF GRANT FUNDS.—Grants under this section shall be allocated to States with approved programs in a fair and equitable manner and be based upon rules and regulations promulgated by the Administrator which shall take into account the extent and nature of the nonpoint sources of pollution in each State and other relevant factors.''.

(5) USE OF FUNDS.—Paragraph (7) of section 319(h) is amended to read as follows:

''(7) USE OF FUNDS.—A State may use grants made available to the State pursuant to this section for activities relating to nonpoint source water pollution control, including—

''(A) providing financial assistance with respect to those activities whose principal purpose is protecting and improving water quality;

''(B) assistance related to the cost of preparing or implementing the State management program;

''(C) providing incentive grants to individuals to implement a site-specific water quality plan in amounts not to exceed 75 percent of the cost of the project from all Federal sources;

''(D) land acquisition or conservation easements consistent with a site-specific water quality plan; and

''(E) restoring and maintaining the chemical, physical, and biological integrity of urban and rural waters and watersheds (including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish, and wildlife, aquatic and riparian vegetation, and recreational activities in and on the water) and protecting designated uses, including fishing, swimming, and drinking water supply.''.

(6) COMPLIANCE WITH STATE MANAGEMENT PROGRAM.—Paragraph (8) of section 319(h) is amended to read as follows:

''(8) COMPLIANCE WITH STATE MANAGEMENT PROGRAM.—In any fiscal year for which the Administrator determines that a State has not made satisfactory progress in the preceding fiscal year in meeting the schedule specified for such State under subsection (b)(2)(C), the Administrator is authorized to withhold grants pursuant to this section in whole or in part to the State after adequate written notice is provided to the Governor of the State.''.

(7) ALLOTMENT STUDY.—Section 319(h) is amended by adding at the end the following:

''(13) ALLOTMENT STUDY.—

''(A) STUDY.—The Administrator, in consultation with the States, shall conduct a study of whether the allocation of funds under paragraph (5) appropriately reflects the needs and costs of nonpoint source control measures for different nonpoint source categories and subcategories and of options for better reflecting such needs and costs in the allotment of funds.

''(B) REPORT.—Not later than 5 years after the date of the enactment of the Clean Water Amendments of 1995, the Administrator shall transmit to Congress a report on the results of the study conducted under this subsection, together with recommendations.''.

(g) GRANTS FOR PROTECTING GROUND WATER QUALITY.—Section 319(i)(3) is amended by striking ''$150,000'' and inserting ''$500,000''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 319(j) is amended—

(1) by striking ''and'' before ''$130,000,000'';

(2) by inserting after ''1991'' the following: '', such sums as may be necessary for fiscal years 1992 through 1995, $100,000,000 for fiscal year 1996, $150,000,000 for fiscal year 1997, $200,000,000 for fiscal year 1998, $250,000,000 for fiscal year 1999, and $300,000,000 for fiscal year 2000''; and

(3) by striking ''$7,500,000'' and inserting ''$25,000,000''.

(i) CONSISTENCY OF OTHER PROGRAMS AND PROJECTS WITH MANAGEMENT PROGRAMS.—Section 319(k) (33 U.S.C. 1329(k)) is amended—

(1) by striking ''allow States to review'' and inserting ''require coordination with States in'';

(2) by inserting before the period at the end the following: ''and the State watershed management program''; and

(3) by adding at the end the following: ''Federal agencies that own or manage land, or issue licenses for activities that cause nonpoint source pollution from such land, shall coordinate their nonpoint source control measures with the State nonpoint source management program and the State watershed management program. A Federal agency and the Governor of an affected State shall enter into a memorandum of understanding to carry out the purposes of this paragraph. Such a memorandum of understanding shall not relieve the Federal agency of the agency's obligation to comply with its own mandates.''.

(j) REPORTS OF THE ADMINISTRATOR.—

(1) BIENNIAL REPORTS.—Section 319(m)(1) is amended—

(A) in the paragraph heading by striking ''ANNUAL'' and inserting ''BIENNIAL''; and

(B) by striking ''1988, and each January 1'' and inserting ''1995, and biennially''.

(2) CONTENTS.—Section 319(m)(2) is amended—

(A) by striking the paragraph heading and all that follows before ''at a minimum'' and inserting ''CONTENTS.—Each report submitted under paragraph (1),'';

(B) in subparagraph (A) by striking ''best management practices'' and inserting ''measures''; and

(C) in subparagraph (B) by striking ''best management practices'' and inserting ''the measures provided by States under subsection (b)''.

(k) SET ASIDE FOR ADMINISTRATIVE PERSONNEL.—Section 319(n) is amended by striking ''less'' and inserting ''more''.

(l) GUIDANCE ON MODEL MANAGEMENT PRACTICES AND MEASURES.—Section 319 is further amended by adding at the end the following:

''(o) GUIDANCE ON MODEL MANAGEMENT PRACTICES AND MEASURES.—

''(1) IN GENERAL.—The Administrator shall publish guidance to identify model management practices and measures which may be undertaken, at the discretion of the State or appropriate entity, under a management program established pursuant to this section.

''(2) CONSULTATION; PUBLIC NOTICE AND COMMENT.—The Administrator shall develop the model management practices and measures under paragraph (1) in consultation with the National Oceanic and Atmospheric Administration, other appropriate Federal and State departments and agencies, and academic institutions, private industry experts, and other individual experts in water conservation and planning, and after providing notice and opportunity for public comment.

''(3) PUBLICATION.—The Administrator shall publish proposed guidance under this subsection not later than 6 months after the date of the enactment of this subsection and shall publish final guidance under this subsection not later than 18 months after such date of enactment. The Administrator shall periodically review and revise the final guidance at least once every 3 years after its publication.

''(4) MODEL MANAGEMENT PRACTICES AND MEASURES DEFINED.—For the purposes of this subsection, the term 'model management practices and measures' means economically achievable measures for the control of the addition of pollutants from nonpoint sources of pollution which reflect the greatest degree of pollutant reduction achievable through the application of the best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives. The Administrator may distinguish among classes, types, and sizes within any category of nonpoint sources.''.

(m) INADEQUATE FUNDING.—Section 319 is further amended by adding at the end the following:

''(p) INADEQUATE FUNDING.—For each fiscal year beginning after the date of the enactment of this subsection for which the total of amounts appropriated to carry out this section are less than the total of amounts authorized to be appropriated pursuant to subsection (j), the deadline for compliance with any requirement of this section, including any deadline relating to assessment reports or State program implementation or monitoring efforts, shall be postponed by 1 year, unless the Administrator and the State jointly certify that the amounts appropriated are sufficient to meet the requirements of this section.''.

(n) COASTAL NONPOINT POLLUTION CONTROL PROGRAMS.—

(1) REPEAL.—Section 6217 of the Omnibus Budget Reconciliation Act of 1990 (16 U.S.C. 1455b) is repealed.

(2) INCLUSION OF COASTAL MANAGEMENT PROVISIONS IN NONPOINT PROGRAM.—Section 319 is amended—

(A) in subsection (a)(1)—

(i) by striking ''and'' at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting ''(including State management programs approved under section 306 of the Coastal Zone Management Act of 1972); and''; and

(iii) by adding at the end the following:

''(E) identifies critical areas, giving consideration to the variety of natural, commercial, recreational, ecological, industrial, and aesthetic resources of immediate and potential value to the present and future of the Nation's waters in the Coastal Zone.'';

(B) in subsection (a)(2) by inserting ''any management program of the State approved under section 306 of the Coastal Zone Management Act of 1972,'' after ''314,'';

(C) in subsection (b)(2) by adding after subparagraph (I), as added by subsection (b) of this section, the following:

''(J) For coastal areas, the identification of, and continuing process for identifying, land uses which individually or cumulatively may cause or contribute significantly to degradation of—

''(i) those coastal waters where there is a failure to attain or maintain applicable water quality standards or protected designated uses, as determined by the State pursuant to the State's water quality planning processes or watershed planning efforts; and

''(ii) those coastal waters that are threatened by reasonably foreseeable increases in pollution loadings.''; and

(D) in subsection (c)(1) by inserting ''or coastal zone management agencies'' after ''planning agencies''.

(o) AGRICULTURAL INPUTS.—Section 319 is further amended by adding at the end the following:

''(q) AGRICULTURAL INPUTS.—For the purposes of this Act, any land application of livestock manure shall not be considered a point source and shall be subject to enforcement only under this section.''.

(p) PURPOSE.—Section 319 (33 U.S.C. 1329) is further amended by adding at the end the following:

''(r) PURPOSE.—The purpose of this section is to assist States in addressing nonpoint sources of pollution where necessary to achieve the goals and requirements of this Act. It is recognized that State nonpoint source programs need to be built upon a foundation that voluntary initiatives represent the approach most likely to succeed in achieving the objectives of this Act.''.

SEC. 320. NATIONAL ESTUARY PROGRAM.

(a) TECHNICAL AMENDMENT.—Section 320(a)(2)(B) (33 U.S.C. 1330(a)(2)(B)) is amended to read as follows:

''(B) PRIORITY CONSIDERATION.—The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Massachusetts Bay, Massachusetts (including Cape Cod Bay and Boston Harbor); Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albemarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; Santa Monica Bay, California; Galveston Bay, Texas; Barataria-Terrebonne Bay estuary complex, Louisiana; Indian River Lagoon, Florida; Charlotte Harbor, Florida; Barnegat Bay, New Jersey; and Peconic Bay, New York.''.

(b) GRANTS.—Section 320(g)(2) (33 U.S.C. 1330(g)(2)) is amended by inserting ''and implementation monitoring'' after ''development''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) (33 U.S.C. 1330(i)) is amended by striking ''1987'' and all that follows through ''1991'' and inserting the following: ''1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1995, and $19,000,000 per fiscal year for each of fiscal years 1996 through 2000''.

SEC. 321. STATE WATERSHED MANAGEMENT PROGRAMS.

(a) ESTABLISHMENT.—Title III (33 U.S.C. 1311–1330) is amended by adding at the end the following:

''SEC. 321. STATE WATERSHED MANAGEMENT PROGRAMS.

''(a) STATE WATERSHED MANAGEMENT PROGRAM.—

''(1) SUBMISSION OF PROGRAM TO ADMINISTRATOR.—A State, at any time, may submit a watershed management program to the Administrator for approval.

''(2) APPROVAL.—If the Administrator does not disapprove a State watershed management program within 180 days of its submittal or 240 days of a request for a public hearing pursuant to paragraph (3) with respect to the program, whichever is later, such program shall be deemed approved for the purposes of this section. The Administrator shall approve the program if the program includes, at a minimum, the following elements:

''(A) The identification of the State agency with primary responsibility for overseeing and approving watershed management plans in general.

''(B) The description of any responsible entities (including any appropriate State agency or substate agency) to be utilized in implementing the program and a description of their responsibilities.

''(C) A description of the scope of the program. In establishing the scope of the program, the State may address one or more watersheds, or pollutants, concurrently or sequentially. The scope of the State program may expand over time with respect to the watersheds, pollutants, and factors to be addressed under the program. In developing the State program, the State shall take into account all regional and local government watershed management programs that are consistent with the proposed State program and shall consult with the regional and local governments that developed such programs. The State shall consider recommendations from units of general purpose government, special purpose districts, local water suppliers, and appropriate water management agencies in the development and scope of the program.

''(D) Provisions for carrying out an analysis, consistent with the established scope of the program, of the problems within each watershed covered under the program.

''(E) An identification of watershed management units for which management plans will be developed, taking into consideration those waters where water quality is threatened or impaired or otherwise in need of special protection. A watershed management unit identified under the program may include waters and associated land areas in more than 1 State if the Governors of the States affected jointly designate the watershed management unit and may include waters and associated lands managed or owned by the Federal Government.

''(F) A description of the activities required of responsible entities (as specified under subsection (e)(1)) and a description of the watershed plan approval process of the State.

''(G) Documentation of the public participation in development of the program and description of the procedures that will be used for public participation in the development and implementation of watershed plans.

''(H) The identification of goals that will be pursued in each watershed, including attainment of State water quality standards (including site-specific water quality standards) and the goals and objectives of this Act.

''(I) An exclusion from the program of federally approved activities with respect to linear utility facilities, such as natural gas pipelines if such facilities extend to multiple watersheds and result in temporary or de minimis impacts.

''(J) A description of the process for consideration of and achieving consistency with the purposes of sections 319 and 322.

''(3) DISAPPROVAL PROCESS.—If the Administrator intends to disapprove a program of a State submitted under this subsection, the Administrator shall by a written notification advise the State of the intent to disapprove and the reasons for disapproval. If, within 30 days of receipt of such notice, a State so requests, the Administrator shall conduct a public hearing in the State on the intent to disapprove and the reasons for such disapproval. A State may resubmit a revised program that addresses the reasons contained in the notification. If a State requests a public hearing, the Administrator shall conduct the hearing in that State and issue a final determination within 240 days of receipt of the State watershed management program submittal.

''(4) MODIFICATION OF PROGRAM.—Each State with a watershed management program that has been approved by the Administrator under this section may, at any time, modify the watershed management program. Any such modification shall be submitted to the Administrator and shall remain in effect unless and until the Administrator determines that the modified program no longer meets the requirements of this section. In such event, the provisions of paragraph (3) shall apply.

''(5) STATUS REPORTS.—Each State with a watershed management program that has been approved by the Administrator pursuant to this subsection shall, not later than 1 year after the date of approval, and annually thereafter, submit to the Administrator an annual watershed program summary status report that includes descriptions of any modifications to the program. The status report shall include a listing of requests made for watershed plan development and a listing of plans prepared and submitted by local or regional entities and the actions taken by the State on such plans including the reasons for those actions. In consultation and coordination with the Administrator, a State may use the report to satisfy, in full or in part, any reporting requirements under sections 106, 303(d), 305(b), 314, 319, 320, 322, and 604(b).

''(b) WATERSHED AREA IN 2 OR MORE STATES.—If a watershed management unit is designated to include land areas in more than 1 State, the Governors of States having jurisdiction over any lands within the watershed management unit shall jointly determine the responsible entity or entities.

''(c) ELIGIBLE WATERSHED MANAGEMENT AND PLANNING ACTIVITIES.—

''(1) IN GENERAL.—In addition to activities eligible to receive assistance under other sections of this Act as of the date of the enactment of this subsection, the following watershed management activities conducted by or on behalf of the States pursuant to a watershed management program that is approved by the Administrator under this section shall be considered to be eligible to receive assistance under sections 106, 205(j), 319(h), 320, and 604(b):

''(A) Characterizing the waters and land uses.

''(B) Identifying and evaluating problems within the watershed.

''(C) Selecting short-term and long-term goals for watershed management.

''(D) Developing and implementing water quality standards, including site-specific water quality standards.

''(E) Developing and implementing measures and practices to meet identified goals.

''(F) Identifying and coordinating projects and activities necessary to restore or maintain water quality or other related environmental objectives within the watershed.

''(G) Identifying the appropriate institutional arrangements to carry out a watershed management plan that has been approved or adopted by the State under this section.

''(H) Updating the plan.

''(I) Conducting training and public participation activities.

''(J) Research to study benefits of existing watershed program plans and particular aspects of the plans.

''(K) Implementing any other activity considered appropriate by the Administrator or the Governor of a State with an approved program.

''(2) FACTORS TO BE CONSIDERED.—In selecting watershed management activities to receive assistance pursuant to paragraph (1), the following factors shall be considered:

''(A) Whether or not the applicant has demonstrated success in addressing water quality problems with broadbased regional support, including public and private sources.

''(B) Whether the activity will promote watershed problem prioritization.

''(C) Whether or not the applicant can demonstrate an ability to use Federal resources to leverage non-Federal public and private monetary and in-kind support from voluntary contributions, including matching and cost sharing incentives.

''(D) Whether or not the applicant proposes to use existing public and private programs to facilitate water quality improvement with the assistance to be provided pursuant to paragraph (1).

''(E) Whether or not such assistance will be used to promote voluntary activities, including private wetlands restoration, mitigation banking, and pollution prevention to achieve water quality standards.

''(F) Whether or not such assistance will be used to market mechanisms to enhance existing programs.

''(d) PUBLIC PARTICIPATION.—Each State shall establish procedures to encourage the public to participate in its program and in developing and implementing comprehensive watershed management plans under this section. A State watershed management program shall include a process for public involvement in watershed management, to the maximum extent practicable, including the formation and participation of public advisory groups during State watershed program development. States must provide adequate public notice and an opportunity to comment on the State watershed program prior to submittal of the program to the Administrator for approval.

''(e) APPROVED OR STATE-ADOPTED PLANS.—

''(1) REQUIREMENTS.—A State with a watershed management program that has been approved by the Administrator under this section may approve or adopt a watershed management plan if the plan satisfies the following conditions:

''(A) If the watershed includes waters that are not meeting water quality standards at the time of submission, the plan—

''(i) identifies the objectives of the plan, including, at a minimum, State water quality standards (including site-specific water quality standards) and goals and objectives under this Act;

''(ii) identifies pollutants, sources, activities, and any other factors causing the impairment of the waters;

''(iii) identifies cost effective actions that are necessary to achieve the objectives of the plan, including reduction of pollutants to achieve any allocated load reductions consistent with the requirements of section 303(d), and the priority for implementing the actions;

''(iv) contains an implementation schedule with milestones and the identification of persons responsible for implementing the actions;

''(v) demonstrates that water quality standards and other goals and objectives of this Act will be attained as expeditiously as practicable but not later than any applicable deadline under this Act;

''(vi) contains documentation of the public participation in the development of the plan and a description of the public participation process that will be used during the plan implementation;

''(vii) specifies a process to monitor and evaluate progress toward meeting of the goals of the plan; and

''(viii) specifies a process to revise the plan as necessary.

''(B) For waters in the watershed attaining water quality standards at the time of submission (including threatened waters), the plan identifies the projects and activities necessary to maintain water quality standards and attain or maintain other goals after the date of approval or adoption of the plan.

''(2) TERMS OF APPROVED OR ADOPTED PLAN.—Each plan that is approved or adopted by a State under this subsection shall be effective for a period of not more than 10 years and include a planning and implementation schedule with milestones within that period. A revised and updated plan may be approved or adopted by the State prior to the expiration of the period specified in the plan pursuant to the same conditions and requirements that apply to an initial plan for a watershed approved under this subsection.

''(f) GUIDANCE.—Not later than 1 year after the date of the enactment of this section, the Administrator, after consultation with the States and other interested parties, shall issue guidance on provisions that States may consider for inclusion in watershed management programs and State-approved or State-adopted watershed management plans under this section.

''(g) POLLUTANT TRANSFER OPPORTUNITIES.—

''(1) POLLUTANT TRANSFER PILOT PROJECTS.—Under an approved watershed management program, any discharger or source may apply to a State for approval to offset the impact of its discharge or release of a pollutant by entering into arrangements, including the payment of funds, for the implementation of controls or measures by another discharger or source through a pollution reduction credits trading program established as part of the watershed management plan. The State may approve such a request if appropriate safeguards are included to ensure compliance with technology based controls and to protect the quality of receiving waters.

''(2) INCENTIVE GRANTS.—The Administrator shall allocate sums made available by appropriations to carry out pollution reduction credits trading programs in selected watersheds throughout the country.

''(3) REPORT.—Not later than 36 months after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the program conducted under this subsection.''.

(b) INCENTIVES FOR WATERSHED MANAGEMENT.—

(1) POINT SOURCE PERMITS.—Section 402 (33 U.S.C. 1342) is further amended by adding at the end the following:

''(r) WATERSHED MANAGEMENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, a permit may be issued under this section with a limitation that does not meet applicable water quality standards if—

''(A) the receiving water is in a watershed with a watershed management plan that has been approved pursuant to section 321;

''(B) the plan includes assurances that water quality standards will be met within the watershed by a specified date; and

''(C) the point source does not have a history of significant noncompliance with its effluent limitations under a permit issued under this section, as determined by the Administrator or a State with authority to issue permits under this section.

''(2) SYNCHRONIZED PERMIT TERMS.—Notwithstanding subsection (b)(1)(B), the term of a permit issued under this section may be extended for an additional period if the discharge is located in a watershed management unit for which a watershed management plan will be developed pursuant to section 321. Permits extended under this paragraph shall be synchronized with the approval of the watershed management plan of a State adopted pursuant to section 321.''.

(2) MULTIPURPOSE GRANTS.—

(A) IN GENERAL.—The Administrator may provide assistance to a State with a watershed management program that has been approved by the Administrator under section 321 in the form of a multipurpose grant that would provide for single application, work plan and review, matching, oversight, and end-of-year closeout requirements for grant funding under sections 104(b)(3), 104(g), 106, 314(b), 319, 320, and 604(b) of the Federal Water Pollution Control Act.

(B) TERMS.—The Administrator may attach terms that shall apply for more than 1 year to grants made pursuant to this paragraph. A State that receives a grant under this paragraph may focus activities funded under the provisions referred to in subparagraph (A) on a priority basis in a manner consistent with watershed management plans approved by the State under section 321(e) of the Federal Water Pollution Control Act.

(3) PLANNING.—Section 604(b) (33 U.S.C. 1384(b)) is amended by adding at the end the following: ''In any fiscal year in which a State is implementing a State watershed management program approved under section 321, the State may reserve up to an additional 2 percent of the sums allotted to the State for such fiscal year for development of watershed management plans under such program or $200,000, whichever is greater, if 50 percent of the amount reserved under this sentence will be made available to local entities.''.

SEC. 322. STORMWATER MANAGEMENT PROGRAMS.

(a) STATE PROGRAMS.—Title III (33 U.S.C. 1311 et seq.) is further amended by adding at the end the following new section:

''SEC. 322. STORMWATER MANAGEMENT PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to assist States in the development and implementation of stormwater control programs in an expeditious and cost effective manner so as to enable the goals and requirements of this Act to be met in each State no later than 15 years after the date of approval of the stormwater management program of the State. It is recognized that State stormwater management programs need to be built on a foundation that voluntary pollution prevention initiatives represent an approach most likely to succeed in achieving the objectives of this Act.

''(b) STATE ASSESSMENT REPORTS.—

''(1) CONTENTS.—After notice and opportunity for public comment, the Governor of each State, consistent with or as part of the assessment required by section 319, shall prepare and submit to the Administrator for approval, a report which—

''(A) identifies those navigable waters within the State which, without additional action to control pollution from stormwater discharges, cannot reasonably be expected to attain or maintain applicable water quality standards or the goals and requirements of this Act;

''(B) identifies those categories and subcategories of stormwater discharges that add significant pollution to each portion of the navigable waters identified under subparagraph (A) in amounts which contribute to such portion not meeting such water quality standards or such goals and requirements;

''(C) describes the process, including intergovernmental coordination and public participation, for identifying measures to control pollution from each category and subcategory of stormwater discharges identified in subparagraph (B) and to reduce, to the maximum extent practicable, the level of pollution resulting from such discharges; and

''(D) identifies and describes State, local, and as may be appropriate, industrial programs for controlling pollution added from stormwater discharges to, and improving the quality of, each such portion of the navigable waters.

''(2) INFORMATION USED IN PREPARATION.—In developing, reviewing, and revising the report required by this subsection, the State—

''(A) may rely upon information developed pursuant to sections 208, 303(e), 304(f), 305(b), 314, 319, 320, and 321 and subsection (h) of this section, information developed from the group stormwater permit application process in effect under section 402(p) of this Act on the day before the date of the enactment of this Act, and such other information as the State determines is appropriate; and

''(B) may utilize appropriate elements of the waste treatment management plans developed pursuant to sections 208(b) and 303, to the extent such elements are consistent with and fulfill the requirements of this section.

''(3) REVIEW AND REVISION.—Not later than 18 months after the date of the enactment of the Clean Water Amendments of 1995, and every 5 years thereafter, the State shall review, revise, and submit to the Administrator the report required by this subsection.

''(c) STATE MANAGEMENT PROGRAMS.—

''(1) IN GENERAL.—In substantial consultation with local governments and after notice and opportunity for public comment, the Governor of each State for the State or in combination with the Governors of adjacent States shall prepare and submit to the Administrator for approval a stormwater management program based on available information which the State proposes to implement in the first 5 fiscal years beginning after the date of submission of such management program for controlling pollution added from stormwater discharges to the navigable waters within the boundaries of the State and improving the quality of such waters.

''(2) SPECIFIC CONTENTS.—Each management program proposed for implementation under this subsection shall include the following:

''(A) IDENTIFICATION OF MODEL MANAGEMENT PRACTICES AND MEASURES.—Identification of the model management practices and measures which will be undertaken to reduce pollutant loadings resulting from each category or subcategory of stormwater discharges designated under subsection (b)(1)(B), taking into account the impact of the practice and measure on ground water quality.

''(B) IDENTIFICATION OF PROGRAMS AND RESOURCES.—Identification of programs and resources necessary (including, as appropriate, nonregulatory programs or regulatory programs, enforceable policies and mechanisms, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects) to manage categories or subcategories of stormwater discharges to the degree necessary to provide for reasonable further progress toward the goal of attainment of water quality standards which contain the stormwater criteria established under subsection (i) for designated uses of receiving waters identified under subsection (b)(1)(A) taking into consideration specific watershed conditions, by not later than the last day of the 15-year period beginning on the date of approval of the State program.

''(C) PROGRAM FOR INDUSTRIAL, COMMERCIAL, OIL, GAS, AND MINING DISCHARGES.—A program for categories or subcategories of industrial, commercial, oil, gas, and mining stormwater discharges identified under subsection (b)(1)(B) for the implementation of management practices, measures, and programs identified under subparagraphs (A) and (B). The program shall include each of the following:

''(i) VOLUNTARY ACTIVITIES.—Voluntary stormwater pollution prevention activities for categories and subcategories of such stormwater discharges that are not contaminated by contact with material handling equipment or activities, heavy industrial machinery, raw materials, intermediate products, finished products, byproducts, or waste products at the site of the industrial, commercial, oil, gas, or mining activity. Such discharges may have incidental contact with buildings or motor vehicles.

''(ii) ENFORCEABLE PLANS.—Enforceable stormwater pollution prevention plans meeting the requirements of subsection (d) for those categories and subcategories of such stormwater discharges that are not described in clause (i).

''(iii) GENERAL PERMITS.—General permits for categories and subcategories of such stormwater discharges if the State finds, based on available information and after providing notice and an opportunity for comment, that reasonable further progress toward achieving water quality standards in receiving waters identified by the State by the date referred to in subparagraph (B) cannot be made despite implementation of voluntary activities under clause (i) or prevention plans under clause (ii) due to the presence of a pollutant or pollutants identified by the State. A facility in a category or subcategory identified by the State shall not be subject to a general permit under this clause if the facility demonstrates that stormwater discharges from the facility are not contributing to a violation of a water quality standard established for designated uses of the receiving waters and are not significantly contributing the pollutant or pollutants identified by the State with respect to the receiving waters under this clause.

''(iv) SITE-SPECIFIC PERMITS.—Site-specific permits for categories or subcategories of such stormwater discharges or individual facilities in such categories or subcategories if the State finds, based on available information and after providing notice and an opportunity for comment, that reasonable further progress toward achieving water quality standards in receiving waters identified by the State by the date referred to in subparagraph (B) cannot be made despite implementation of voluntary activities under clause (i) or prevention plans under clause (ii) and general permits under clause (iii) due to the presence of a pollutant or pollutants identified by the State. A facility in a category or subcategory identified by the State shall not be subject to a site-specific permit under this clause if the facility demonstrates that stormwater discharges from the facility are not contributing to a violation of a water quality standard established for designated uses of the receiving waters and are not significantly contributing the pollutant or pollutants identified by the State with respect to the receiving waters under this clause.

''(v) EXEMPTION OF SMALL BUSINESSES.—An exemption for small businesses identified under subsection (b)(1)(B) from clause (iii), relating to general permits, and clause (iv), relating to site-specific permits, unless the State finds that, without the imposition of such permits, such discharges will have a significant adverse effect on water quality.

''(D) PROGRAM FOR MUNICIPAL DISCHARGES.—A program for municipal stormwater discharges identified under subsection (b)(1)(B) to reduce pollutant loadings from categories and subcategories of municipal stormwater discharges.

''(E) PROGRAM FOR CONSTRUCTION ACTIVITIES.—A program for categories and subcategories of stormwater discharges from construction activities identified under subsection (b)(1)(B) for implementation of management practices, measures, and programs identified under subparagraphs (A) and (B). In developing the program, the State shall consider current State and local requirements, focus on pollution prevention through the use of model management practices and measures, and take into account the land area disturbed by the construction activities. The State may require effluent limits or other numerical standards to control pollutants in stormwater discharges from construction activities only if the State finds, after providing notice and an opportunity for comment, that such standards are necessary to achieve water quality standards by the date referred to in subparagraph (B).

''(F) BAD ACTOR PROVISIONS.—Provisions for taking any actions deemed necessary by the State to meet the goals and requirements of this section with respect to dischargers which the State identifies, after notice and opportunity for hearing—

''(i) as having a history of stormwater noncompliance under this Act, State law, or the regulations issued thereunder or the terms and conditions of permits, orders, or administrative actions issued pursuant thereto; or

''(ii) as posing an imminent threat to human health and the environment.

''(G) SCHEDULE.—A schedule containing interim goals and milestones for making reasonable progress toward the attainment of standards as set forth in subparagraph (B) established for the designated uses of receiving waters, taking into account specific watershed conditions, which may be demonstrated by one or any combination of improvements in water quality (including biological indicators), documented implementation of voluntary stormwater discharge control measures, or adoption of enforceable stormwater discharge control measures.

''(H) CERTIFICATION OF ADEQUATE AUTHORITY.—

''(i) IN GENERAL.—A certification by the Attorney General of the State or States (or the chief attorney of any State water pollution control agency that has authority under State law to make such certification) that the laws of the State or States, as the case may be, provide adequate authority to implement such management program or, if there is not such adequate authority, a list of such additional authorities as will be necessary to implement such management program.

''(ii) COMMITMENT.—A schedule for seeking, and a commitment by the State or States to seek, such additional authorities as expeditiously as practicable.

''(I) IDENTIFICATION OF FEDERAL FINANCIAL ASSISTANCE PROGRAMS.—An identification of Federal financial assistance programs and Federal development projects for which the State will review individual assistance applications or development projects for their effect on water quality pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983, to determine whether such assistance applications or development projects would be consistent with the program prepared under this subsection; for the purposes of this subparagraph, identification shall not be limited to the assistance programs or development projects subject to Executive Order 12372 but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the State's stormwater management program.

''(J) MONITORING.—A description of the monitoring of navigable waters or other assessment which will be carried out under the program for the purposes of monitoring and assessing the effectiveness of the program, including the attainment of interim goals and milestones.

''(K) IDENTIFICATION OF CERTAIN INCONSISTENT FEDERAL ACTIVITIES.—An identification of activities on Federal lands in the State that are inconsistent with the State management program.

''(L) IDENTIFICATION OF GOALS AND MILESTONES.—An identification of goals and milestones for progress in attaining water quality standards, including a projected date for attaining such standards as expeditiously as practicable but not later than 15 years after the date of approval of the State program for each of the waters listed pursuant to subsection (b).

''(3) UTILIZATION OF LOCAL AND PRIVATE EXPERTS.—In developing and implementing a management program under this subsection, a State shall, to the maximum extent practicable, involve local public and private agencies and organizations which have expertise in stormwater management.

''(4) DEVELOPMENT ON WATERSHED BASIS.—A State shall, to the maximum extent practicable, develop and implement a stormwater management program under this subsection on a watershed-by-watershed basis within such State.

''(5) REGULATIONS DEFINING SMALL BUSINESSES.—The Administrator shall propose, not later than 6 months after the date of the enactment of this section, and issue, not later than 1 year after the date of such enactment, regulations to define small businesses for purposes of this section.

''(d) STORMWATER POLLUTION PREVENTION PLANS.—

''(1) IMPLEMENTATION DEADLINE.—Each stormwater pollution prevention plan required under subsection (c)(2)(C)(ii) shall be implemented not later than 180 days after the date of its development and shall be annually updated.

''(2) PLAN CONTENTS.—Each stormwater pollution prevention plan required under subsection (c)(2)(C)(ii) shall include the following components:

''(A) Establishment and appointment of a stormwater pollution prevention team.

''(B) Description of potential pollutant sources.

''(C) An annual site inspection evaluation.

''(D) An annual visual stormwater discharge inspection.

''(E) Measures and controls for reducing stormwater pollution, including, at a minimum, model management practices and measures that are flexible, technologically feasible, and economically practicable. For purposes of this paragraph, the term 'model management practices and measures' means preventive maintenance, good housekeeping, spill prevention and response, employee training, and sediment and erosion control.

''(F) Prevention of illegal discharges of nonstormwater through stormwater outfalls.

''(3) CERTIFICATION.—Each facility subject to subsection (c)(2)(C)(ii) shall certify to the State that it has implemented a stormwater pollution prevention plan or a State or local equivalent and that the plan is intended to reduce possible pollutants in the facility's stormwater discharges. The certification must be signed by a responsible officer of the facility and must be affixed to the plan subject to review by the appropriate State program authority. If a facility makes such a certification, such facility shall not be subject to permit or permit application requirements, mandatory model management practices and measures, analytical monitoring, effluent limitations or other numerical standards or guidelines under subsection (c)(2)(C)(ii).

''(4) PLAN ADEQUACY.—The State stormwater management program shall set forth the basis upon which the adequacy of a plan prepared by a facility subject to subsection (c)(2)(C)(ii) will be determined. In making such determination, the State shall consider benefits to the environment, physical requirements, technological feasibility and economic costs, human health or safety, and nature of the activity at the facility or site.

''(e) ADMINISTRATIVE PROVISIONS.—

''(1) COOPERATION REQUIREMENT.—Any report required by subsection (b) and any management program and report required by subsection (c) shall be developed in cooperation with local, substate, regional, and interstate entities which are responsible for implementing stormwater management programs.

''(2) TIME PERIOD FOR SUBMISSION OF MANAGEMENT PROGRAMS.—Each management program shall be submitted to the Administrator within 30 months of the issuance by the Administrator of the final guidance under subsection (l) and every 5 years thereafter. Each program submission after the initial submission following the date of the enactment of the Clean Water Amendments of 1995 shall include a demonstration of reasonable further progress toward the goal of attaining water quality standards as set forth in subsection (c)(2) established for designated uses of receiving waters taking into account specific watershed conditions by not later than the date referred to in subsection (b)(2)(B), including a documentation of the degree to which the State has achieved the interim goals and milestones contained in the previous program submission. Such demonstration shall take into account the adequacy of Federal funding under this section.

''(3) TRANSITION.—

''(A) IN GENERAL.—Permits, including group and general permits, issued pursuant to section 402(p), as in effect on the day before the date of the enactment of this section, shall remain in effect until the effective date of a State stormwater management program under this section. Stormwater dischargers shall continue to implement any stormwater management practices and measures required under such permits until such practices and measures are modified pursuant to this subparagraph or pursuant to a State stormwater management program. Prior to the effective date of a State stormwater management program, stormwater dischargers may submit for approval proposed revised stormwater management practices and measures to the State, in the case of a State with an approved program under section 402, or the Administrator. Upon notice of approval by the State or the Administrator, the stormwater discharger shall implement the revised stormwater management practices and measures which, for discharges subject to subsection (c)(2)(C)(i), (c)(2)(D), (c)(2)(E), or (c)(2)(F), may be voluntary pollution prevention activities. A stormwater discharger operating under a permit continued in effect under this subparagraph shall not be subject to citizens suits under section 505.

''(B) NEW FACILITIES.—A new nonmunicipal source of stormwater discharge subject to a group or general permit continued in effect under subparagraph (A) shall notify the State or the Administrator, as appropriate, of the source's intent to be covered by and shall continue to comply with such permit. Until the effective date of a State stormwater management program under this section, the State may impose enforceable stormwater management measures and practices on a new nonmunicipal source of stormwater discharge not subject to such a permit if the State finds that the stormwater discharge is likely to pose an imminent threat to human health and the environment or to pose significant impairment of water quality standards.

''(C) SPECIAL RULE.—Industrial facilities included in a Part 1 group stormwater permit application approved by the Administrator pursuant to section 122.26(c)(2) of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section, may, in lieu of continued operation under existing permits, certify to the State or the Administrator, as appropriate, that such facilities are implementing a stormwater pollution prevention plan consistent with subsection (d). Upon such certification, the facility will no longer be subject to such permit.

''(D) PRE-1987 PERMITS.—Notwithstanding the repeal of section 402(p) by the Clean Water Amendments Act of 1995 or any other amendment made to section 402 on or before the date of the enactment of such Act, a discharge with respect to which a permit has been issued under section 402 before February 4, 1987, shall not be subject to the provisions of this section.

''(E) ANTIBACKSLIDING.—Section 402(o) shall not apply to any activity carried out in accordance with this paragraph.

''(f) APPROVAL OR DISAPPROVAL OF REPORTS OR MANAGEMENT PROGRAMS.—

''(1) DEADLINE.—Subject to paragraph (2), not later than 180 days after the date of submission to the Administrator of any report or revised report or management program under this section, the Administrator shall either approve or disapprove such report or management program, as the case may be. The Administrator may approve a portion of a management program under this subsection. If the Administrator does not disapprove a report, management program, or portion of a management program in such 180-day period, such report, management program, or portion shall be deemed approved for purposes of this section.

''(2) PROCEDURE FOR DISAPPROVAL.—If, after notice and opportunity for public comment and consultation with appropriate Federal and State agencies and other interested persons, the Administrator determines that—

''(A) the proposed management program or any portion thereof does not meet the requirements of subsection (b) of this section or is not likely to satisfy, in whole or in part, the goals and requirements of this Act;

''(B) adequate authority does not exist, or adequate resources are not available, to implement such program or portion; or

''(C) the practices and measures proposed in such program or portion will not result in reasonable progress toward the goal of attainment of applicable water quality standards as set forth in subsection (c)(2) established for designated uses of receiving waters taking into consideration specific watershed conditions as expeditiously as possible but not later than 15 years after approval of a State stormwater management program under this section;

the Administrator shall within 6 months of the receipt of the proposed program notify the State of any revisions or modifications necessary to obtain approval. The State shall have an additional 6 months to submit its revised management program, and the Administrator shall approve or disapprove such revised program within 3 months of receipt.

''(3) FAILURE OF STATE TO SUBMIT REPORT.—If a Governor of a State does not submit a report or revised report required by subsection (b) within the period specified by subsection (e)(2), the Administrator shall, within 18 months after the date on which such report is required to be submitted under subsection (b), prepare a report for such State which makes the identifications required by paragraphs (1)(A) and (1)(B) of subsection (b). Upon completion of the requirement of the preceding sentence and after notice and opportunity for a comment, the Administrator shall report to Congress of the actions of the Administrator under this section.

''(4) FAILURE OF STATE TO SUBMIT MANAGEMENT PROGRAM.—

''(A) PROGRAM MANAGEMENT BY ADMINISTRATOR.—Subject to paragraph (5), if a State fails to submit a management program or revised management program under subsection (c) or the Administrator does not approve such management program, the Administrator shall prepare and implement a management program for controlling pollution added from stormwater discharges to the navigable waters within the State and improving the quality of such waters in accordance with subsection (c).

''(B) NOTICE AND HEARING.—If the Administrator intends to disapprove a program submitted by a State the Administrator shall first notify the Governor of the State, in writing, of the modifications necessary to meet the requirements of this section. The Administrator shall provide adequate public notice and an opportunity for a public hearing for all interested parties.

''(C) STATE REVISION OF ITS PROGRAM.—If, after taking into account the level of funding actually provided as compared with the level authorized, the Administrator determines that a State has failed to demonstrate reasonable further progress toward the attainment of water quality standards as required, the State shall revise its program within 12 months of that determination in a manner sufficient to achieve attainment of applicable water quality standards by the deadline established by this section. If a State fails to make such a program revision or the Administrator does not approve such a revision, the Administrator shall prepare and implement a stormwater management program for the State.

''(5) LOCAL MANAGEMENT PROGRAMS; TECHNICAL ASSISTANCE.—If a State fails to submit a management program under subsection (c) or the Administrator does not approve such a management program, a local public agency or organization which has expertise in, and authority to, control water pollution resulting from nonpoint sources in any area of such State which the Administrator determines is of sufficient geographic size may, with approval of such State, request the Administrator to provide, and the Administrator shall provide, technical assistance to such agency or organization in developing for such area a management program which is described in subsection (c) and can be approved pursuant to this subsection. After development of such management program, such

agency or organization shall submit such management program to the Administrator for approval.

''(g) INTERSTATE MANAGEMENT CONFERENCE.—

''(1) CONVENING OF CONFERENCE; NOTIFICATION; PURPOSE.—

''(A) CONVENING OF CONFERENCE.—If any portion of the navigable waters in any State which is implementing a management program approved under this section is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of pollution from stormwater in another State, such State may petition the Administrator to convene, and the Administrator shall convene, a management conference of all States which contribute significant pollution resulting from stormwater to such portion.

''(B) NOTIFICATION.—If, on the basis of information available, the Administrator determines that a State is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of significant pollution from stormwater in another State, the Administrator shall notify such States.

''(C) TIME LIMIT.—The Administrator may convene a management conference under this paragraph not later than 180 days after giving such notification under subparagraph (B), whether or not the State which is not meeting such standards requests such conference.

''(D) PURPOSE.—The purpose of the conference shall be to develop an agreement among the States to reduce the level of pollution resulting from stormwater in the portion of the navigable waters and to improve the water quality of such portion.

''(E) PROTECTION OF WATER RIGHTS.—Nothing in the agreement shall supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws.

''(F) LIMITATIONS.—This subsection shall not apply to any pollution which is subject to the Colorado River Basin Salinity Control Act. The requirement that the Administrator convene a management conference shall not be subject to the provisions of section 505 of this Act.

''(2) STATE MANAGEMENT PROGRAM REQUIREMENT.—To the extent that the States reach agreement through such conference, the management programs of the States which are parties to such agreements and which contribute significant pollution to the navigable waters or portions thereof not meeting applicable water quality standards or goals and requirements of this Act will be revised to reflect such agreement. Such management programs shall be consistent with Federal and State law.

''(h) GRANTS FOR STORMWATER RESEARCH.—

''(1) IN GENERAL.—To determine the most cost-effective and technologically feasible means of improving the quality of the navigable waters and to develop the criteria required pursuant to subsection (i) of this Act, the Administrator shall establish an initiative through which the Administrator shall fund State and local demonstration programs and research to—

''(A) identify adverse impacts of stormwater discharges on receiving waters;

''(B) identify the pollutants in stormwater which cause impact; and

''(C) test innovative approaches to address the impacts of source controls and model management practices and measures for runoff from municipal storm sewers.

Persons conducting demonstration programs and research funded under this subsection shall also take into account the physical nature of episodic stormwater flows, the varying pollutants in stormwater, the actual risk the flows pose to the designated beneficial uses, and the ability of natural ecosystems to accept temporary stormwater events.

''(2) AWARD OF FUNDS.—The Administrator shall award the demonstration and research program funds taking into account regional and population variations.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $20,000,000 per fiscal year for fiscal years 1996 through 2000. Such sums shall remain available until expended.

''(4) INADEQUATE FUNDING.—For each fiscal year beginning after the date of the enactment of this subsection for which the total amounts appropriated to carry out this subsection are less than the total amounts authorized to be appropriated pursuant to this subsection, any deadlines established under subsection (c)(2)(L) for compliance with water quality standards shall be postponed by 1 year.

''(i) DEVELOPMENT OF STORMWATER CRITERIA.—

''(1) IN GENERAL.—To reflect the episodic character of stormwater which results in significant variances in the volume, hydraulics, hydrology, and pollutant load associated with stormwater discharges, the Administrator shall establish, as an element of the water quality standards established for the designated uses of the navigable waters, stormwater criteria which protect the navigable waters from impairment of the designated beneficial uses caused by stormwater discharges. The criteria shall be technologically and financially feasible and may include performance standards, guidelines, guidance, and model management practices and measures and treatment requirements, as appropriate, and as identified in subsection (h)(1).

''(2) INFORMATION TO BE USED IN DEVELOPMENT.—The stormwater discharge criteria to be established under this subsection—

''(A) shall be developed from—

''(i) the findings and conclusions of the demonstration programs and research conducted under subsection (h);

''(ii) the findings and conclusions of the research and monitoring activities of stormwater dischargers performed in compliance with permit requirements of this Act; and

''(iii) other relevant information, including information submitted to the Administrator under the industrial group permit application process in effect under section 402 of this Act on the day before the date of the enactment of this section;

''(B) shall be developed in consultation with persons with expertise in the management of stormwater (including officials of State and local government, industrial and commercial stormwater dischargers, and public interest groups); and

''(C) shall be established as an element of the water quality standards that are developed and implemented under this Act by not later than December 31, 2008.

''(j) COLLECTION OF INFORMATION.—The Administrator shall collect and make available, through publications and other appropriate means, information pertaining to model management practices and measures and implementation methods, including, but not limited to—

''(1) information concerning the costs and relative efficiencies of model management practices and measures for reducing pollution from stormwater discharges; and

''(2) available data concerning the relationship between water quality and implementation of various management practices to control pollution from stormwater discharges.

''(k) REPORTS OF ADMINISTRATOR.—

''(1) BIENNIAL REPORTS.—Not later than January 1, 1996, and biennially thereafter, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report for the preceding fiscal year on the activities and programs implemented under this section and the progress made in reducing pollution in the navigable waters resulting from stormwater discharges and improving the quality of such waters.

''(2) CONTENTS.—Each report submitted under paragraph (1), at a minimum shall—

''(A) describe the management programs being implemented by the States by types of affected navigable waters, categories and subcategories of stormwater discharges, and types of measures being implemented;

''(B) describe the experiences of the States in adhering to schedules and implementing the measures under subsection (c);

''(C) describe the amount and purpose of grants awarded pursuant to subsection (h);

''(D) identify, to the extent that information is available, the progress made in reducing pollutant loads and improving water quality in the navigable waters;

''(E) indicate what further actions need to be taken to attain and maintain in those navigable waters (i) applicable water quality standards, and (ii) the goals and requirements of this Act;

''(F) include recommendations of the Administrator concerning future programs (including enforcement programs) for controlling pollution from stormwater; and

''(G) identify the activities and programs of departments, agencies, and instrumentalities of the United States that are inconsistent with the stormwater management programs implemented by the States under this section and recommended modifications so that such activities and programs are consistent with and assist the States in implementation of such management programs.

''(l) GUIDANCE ON MODEL STORMWATER MANAGEMENT PRACTICES AND MEASURES.—

''(1) IN GENERAL.—The Administrator, in consultation with appropriate Federal, State, and local departments and agencies, and after providing notice and opportunity for public comment, shall publish guidance to identify model management practices and measures which may be undertaken, at the discretion of the State or appropriate entity, under a management program established pursuant to this section. In preparing such guidance, the Administrator shall consider integration of a stormwater management program of a State with, and the relationship of such program to, the nonpoint source management program of the State under section 319.

''(2) PUBLICATION.—The Administrator shall publish proposed guidance under this subsection not later than 6 months after the date of the enactment of this subsection and shall publish final guidance under this subsection not later than 18 months after such date of enactment. The Administrator shall periodically review and revise the final guidance upon adequate notice and opportunity for public comment at least once every 3 years after its publication.

''(3) MODEL MANAGEMENT PRACTICES AND MEASURES DEFINED.—For the purposes of this subsection, the term ''model management practices and measures'' means economically achievable measures for the control of pollutants from stormwater discharges which reflect the most cost-effective degree of pollutant reduction achievable through the application of the best available practices, technologies, processes, siting criteria, operating methods, or other alternatives.

''(m) ENFORCEMENT WITH RESPECT TO STORMWATER DISCHARGERS VIOLATING STATE MANAGEMENT PROGRAMS.—Stormwater dischargers that do not comply with State management program requirements under subsection (c) are subject to applicable enforcement actions under sections 309 and 505 of this Act.

''(n) ENTRY AND INSPECTION.—In order to carry out the objectives of this section, an authorized representative of a State, upon presentation of his or her credentials, shall have a right of entry to, upon, or through any property at which a stormwater discharge or records required to be maintained under the State stormwater management program are located.

''(o) LIMITATION ON DISCHARGES REGULATED UNDER WATERSHED MANAGEMENT PROGRAM.—Stormwater discharges regulated under section 321 in a manner consistent with this section shall not be subject to this section.

''(p) MINERAL EXPLORATION AND MINING SITES.—

''(1) EXPLORATION SITES.—For purposes of subsection (c)(2)(F), stormwater discharges from construction activities shall include stormwater discharges from mineral exploration activities; except that, for exploration at abandoned mined lands, the stormwater program under subsection (c)(2)(F) shall be limited to the control of pollutants added to stormwater by contact with areas disturbed by the exploration activity.

''(2) MINING SITES.—Stormwater discharges at ore mining and dressing sites shall be subject to this section. If any such discharge is commingled with mine drainage or process wastewater from mining operations, such discharge shall be treated as a discharge from a point source for purposes of this Act.

''(3) ABANDONED MINED LANDS.—Stormwater discharges from abandoned mined lands shall be subject to section 319; except that if the State, after notice and an opportunity for comment, finds that regulation of such stormwater discharges under this section is necessary to make reasonable further progress toward achieving water quality standards by the date referred to in subsection (c)(2)(B), such discharges shall be subject to this section.

''(4) SURFACE MINING CONTROL AND RECLAMATION ACT SITES.—Notwithstanding paragraph (3), stormwater discharges from abandoned mined lands site which are subject to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1328) shall be subject to section 319.

''(5) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

''(A) ABANDONED MINED LANDS.—The term 'abandoned mined lands' means lands which were used for mineral activities and abandoned or left in an inadequate reclamation status and for which there is no continuing reclamation responsibility under State or Federal laws.

''(B) PROCESS WASTE WATER.—The term 'process waste water' means any water other than stormwater which comes into contact with any raw material, intermediate product, finished product, byproduct, or waste product as part of any mineral beneficiation processes employed at the site.

''(C) MINE DRAINAGE.—The term 'mine drainage' means any water drained, pumped, or siphoned from underground mine workings or mine pits, but such term shall not include stormwater runoff from tailings dams, dikes, overburden, waste rock piles, haul roads, access roads, and ancillary facility areas.''.

(b) REPEAL OF LIMITATION ON PERMIT REQUIREMENT.—Section 402(l) (33 U.S.C. 1342(l)) is repealed.

(c) REPEAL OF MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES PROGRAM.—Section 402(p) (33 U.S.C. 1342(p)) is repealed.

(d) DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended—

(1) by adding at the end of paragraph (14) the following: ''The term does not include a stormwater discharge.''; and

(2) by adding at the end the following:

''(25) The term 'stormwater' means runoff from rain, snow melt, or any other precipitation-generated surface runoff.

''(26) The term 'stormwater discharge' means a discharge from any conveyance which is used for the collecting and conveying of stormwater to navigable waters and which is associated with a municipal storm sewer system or industrial, commercial, oil, gas, or mining activities or construction activities.''.

SEC. 323. RISK ASSESSMENT AND DISCLOSURE REQUIREMENTS.

Title III (33 U.S.C. 1311–1330) is further amended by adding at the end the following:

''SEC. 323. RISK ASSESSMENT AND DISCLOSURE REQUIREMENTS.

''(a) GENERAL RULE.—The Administrator or the Secretary of the Army (hereinafter in this section referred to as the 'Secretary'), as appropriate, shall develop and publish a risk assessment before issuing—

''(1) any standard, effluent limitation, water quality criterion, water quality based requirement, or other regulatory requirement under this Act (other than a permit or a purely procedural requirement); or

''(2) any guidance under this Act which, if issued as a regulatory requirement, would result in an annual increase in cost of $25,000,000 or more.

''(b) CONTENTS OF RISK ASSESSMENTS.—A risk assessment developed under subsection (a), at a minimum, shall—

''(1) identify and use all relevant and readily obtainable data and information of sufficient quality, including data and information submitted to the Agency in a timely fashion;

''(2) identify and discuss significant assumptions, inferences, or models used in the risk assessment;

''(3) measure the sensitivity of the results to the significant assumptions, inferences, or models that the risk assessment relies upon;

''(4) with respect to significant assumptions, inferences, or models that the results are sensitive to, identify and discuss—

''(A) credible alternatives and the basis for the rejection of such alternatives;

''(B) the scientific or policy basis for the selection of such assumptions, inferences, or models; and

''(C) the extent to which any such assumptions, inferences, or models have been validated or conflict with empirical data;

''(5) to the maximum extent practical, provide a description of the risk, including, at minimum, best estimates or other unbiased representation of the most plausible level of risk and a description of the specific populations or natural resources subject to the assessment;

''(6) to the maximum extent practical, provide a quantitative estimate of the uncertainty inherent in the risk assessment; and

''(7) compare the nature and extent of the risk identified in the risk assessment to other risks to human health and the environment.

''(c) RISK ASSESSMENT GUIDANCE.—Not later than 180 days after the date of the enactment of this section, and after providing notice and opportunity for public comment, the Administrator, in consultation with the Secretary, shall issue, and thereafter revise, as appropriate, guidance for conducting risk assessments under subsection (a).

''(d) MARGIN OF SAFETY.—When establishing a margin of safety for use in developing a regulatory requirement described in subsection (a)(1) or guidance described in subsection (a)(2), the Administrator or the Secretary, as appropriate, shall provide, as part of the risk assessment under subsection (a), an explicit and, to the extent practical, quantitative description of the margin of safety relative to an unbiased estimate of the risk being addressed.

''(e) DISCRETIONARY EXEMPTIONS.—The Administrator or the Secretary, as appropriate, may exempt from the requirements of this section any risk assessment prepared in support of a regulatory requirement described in subsection (a)(1) which is likely to result in annual increase in cost of less than $25,000,000. Such exemptions may be made for specific risk assessments or classes of risk assessments.

''(f) GENERAL RULE ON APPLICABILITY.—The requirements of this section shall apply to any regulatory requirement described in subsection (a)(1) or guidance described in subsection (a)(2) that is issued after the last day of the 1-year period beginning on the date of the enactment of this section.

''(g) SIGNIFICANT REGULATORY ACTIONS AND GUIDANCE.—

''(1) APPLICABILITY OF REQUIREMENTS.—In addition to the regulatory requirements and guidance referred to in subsection (f), the requirements of this section shall apply to—

''(A) any standard, effluent limitation, water quality criterion, water quality based requirement, or other regulatory requirement issued under this Act during the period described in paragraph (2) which is likely to result in an annual increase in cost of $100,000,000 or more; and

''(B) any guidance issued under this Act during the period described in paragraph (2) which, if issued as a regulatory requirement, would be likely to result in annual increase in cost of $100,000,000 or more.

''(2) COVERED PERIOD.—The period described in this paragraph is the period beginning on February 15, 1995, and ending on the last day of the 1-year period beginning on the date of the enactment of this Act.

''(3) REVIEW.—Any regulatory requirement described in paragraph (1)(A) or guidance described in paragraph (1)(B) which was issued before the date of the enactment of this section shall be reviewed and, with respect to each such requirement or guidance, the Administrator or the Secretary, as appropriate, shall based on such review—

''(A) certify that the requirement or guidance meets the requirements of this section without revision; or

''(B) reissue the requirement or guidance, after providing notice and opportunity for public comment, with such revisions as may be necessary for compliance with the requirements of this section.

''(4) DEADLINE.—Any regulatory requirement described in paragraph (1)(A) or guidance described in paragraph (1)(B) for which the Administrator or the Secretary, as appropriate, does not issue a certification or revisions under paragraph (3) on or before the last day of the 18-month period beginning on the date of the enactment of this section shall cease to be effective after such last day until the date on which such certification or revisions are issued.''.

SEC. 324. BENEFIT AND COST CRITERION.

Title III (33 U.S.C. 1311–1330) is further amended by adding at the end the following:

''SEC. 324. BENEFIT AND COST CRITERION.

''(a) DECISION CRITERION.—

''(1) CERTIFICATION.—The Administrator or the Secretary of the Army (hereinafter in this section referred to as the 'Secretary'), as appropriate, shall not issue—

''(A) any standard, effluent limitation, or other regulatory requirement under this Act; or

''(B) any guidance under this Act which, if issued as a regulatory requirement, would result in an annual increase in cost of $25,000,000 or more,

unless the Administrator or the Secretary certifies that the requirement or guidance maximizes net benefits to society. Such certification shall be based on an analysis meeting the requirements of subsection (b).

''(2) EFFECT OF CRITERION.—Notwithstanding any other provision of this Act, the decision criterion of paragraph (1) shall supplement and, to the extent there is a conflict, supersede the decision criteria otherwise applicable under this Act; except that the resulting regulatory requirement or guidance shall be economically achievable.

''(3) SUBSTANTIAL EVIDENCE.—Notwithstanding any other provision of this Act, no regulation or guidance subject to this subsection shall be issued by the Administrator or the Secretary unless the requirement of paragraph (1) is met and the certification is supported by substantial evidence.

''(b) BENEFIT AND COST ANALYSIS GUIDANCE.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, and after providing notice and opportunity for public comment, the Administrator, in concurrence with the Administrator of the Office of Information and Regulatory Affairs, shall issue, and thereafter revise, as appropriate, guidance for conducting benefit and cost analyses in support of making certifications required by subsection (a).

''(2) CONTENTS.—Guidance issued under paragraph (1), at a minimum, shall—

''(A) require the identification of available policy alternatives, including the alternative of not regulating and any alternatives proposed during periods for public comment;

''(B) provide methods for estimating the incremental benefits and costs associated with plausible alternatives, including the use of quantitative and qualitative measures;

''(C) require an estimate of the nature and extent of the incremental risk avoided by the standard, effluent limitation, or other regulatory requirement, including a statement that places in context the nature and magnitude of the estimated risk reduction; and

''(D) require an estimate of the total social, environmental, and economic costs of implementing the standard, effluent limitation, or other regulatory requirement.

''(c) EXEMPTIONS.—The following shall not be subject to the requirements of this section:

''(1) The issuance of a permit.

''(2) The implementation of any purely procedural requirement.

''(3) Water quality criteria established under section 304.

''(4) Water quality based standards established under section 303.

''(d) DISCRETIONARY EXEMPTIONS.—The Administrator or the Secretary, as appropriate, may exempt from this section any regulatory requirement that is likely to result in an annual increase in costs of less than $25,000,000. Such exemptions may be made for specific regulatory requirements or classes of regulatory requirements.

''(e) GENERAL RULE ON APPLICABILITY.—The requirements of this section shall apply to any regulatory requirement described in subsection (a)(1)(A) or guidance described in subsection (a)(1)(B) that is issued after the last day of the 1-year period beginning on the date of the enactment of this section.

''(f) SIGNIFICANT REGULATORY ACTIONS AND GUIDANCE.—

''(1) APPLICABILITY OF REQUIREMENTS.—In addition to the regulatory requirements and guidance referred to in subsection (e), this section shall apply to—

''(A) any standard, effluent limitation, or other regulatory requirement issued under this Act during the period described in paragraph (2) which is likely to result in an annual increase in cost of $100,000,000 or more; and

''(B) any guidance issued under this Act during the period described in paragraph (2) which, if issued as a regulatory requirement, would be likely to result in annual increase in cost of $100,000,000 or more.

''(2) COVERED PERIOD.—The period described in this paragraph is the period beginning on February 15, 1995, and ending on the last day of the 1-year period beginning on the date of the enactment of this Act.

''(3) REVIEW.—Any regulatory requirement described in paragraph (1)(A) or guidance described in paragraph (1)(B) which was issued before the date of the enactment of this section shall be reviewed and, with respect to each such requirement or guidance, the Administrator or the Secretary, as appropriate, shall based on such review—

''(A) certify that the requirement or guidance meets the requirements of this section without revision; or

''(B) reissue the requirement or guidance, after providing notice and opportunity for public comment, with such revisions as may be necessary for compliance with the requirements of this section.

''(4) DEADLINE.—Any regulatory requirement described in paragraph (1)(A) or guidance described in paragraph (1)(B) for which the Administrator or the Secretary, as appropriate, does not issue a certification or revisions under paragraph (3) on or before the last day of the 18-month period beginning on the date of the enactment of this section shall cease to be effective after such last day until the date on which such certification or revisions are issued.

''(g) STUDY.—Not later than 5 years after the date of the enactment of this section, the Administrator, in consultation with the Administrator of the Office of Information and Regulatory Affairs, shall publish an analysis regarding the precision and accuracy of benefit and cost estimates prepared under this section. Such study, at a minimum, shall—

''(1) compare estimates of the benefits and costs prepared under this section to actual costs and benefits achieved after implementation of regulations or other requirements;

''(2) examine and assess alternative analytic methods for conducting benefit and cost analysis, including health-health analysis; and

''(3) make recommendations for the improvement of benefit and cost analyses conducted under this section.''.

AMENDMENT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Chairman, I offer an amendment.

PARLIAMENTARY INQUIRY

Mr. SHUSTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SHUSTER. Is this title I or III?

Mr. CHAIRMAN. We are on title III.

Mr. SHUSTER. Title III?

The CHAIRMAN. Title III, and the gentleman from California has been recognized for an amendment to title III.

Mr. SHUSTER. Mr. Chairman, we cannot find a copy of the gentleman's amendment.

Mr. MINETA. Mr. Chairman, this has been printed in the RECORD. We will be more than happy to present one.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman.

Mr. MINETA. I had understood that the committee had copies of the amendments.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MINETA:

Page 32, strike line 19 and all that follows through line 6 on page 33.

Page 33, line 7, strike ''(c)'' and insert ''(b)''.

Page 33, strike line 16 and all that follows through line 10 on page 34.

Pages 34 through 47, strike section 302 of the bill.

Redesignate subsequent sections of title III of the bill accordingly. Conform the table of contents of the bill accordingly.

Page 47, strike line 20 and all that follows through line 8 on page 48 and insert the following:

SEC. 303. REVISION OF STATE WATER QUALITY STANDARDS.

Section 303(c)(1) is amended by striking

Conform the table of contents of the bill accordingly.

Page 48, strike line 16 and all that follows through line 10 on page 52.

Page 64, strike lines 4 through 14.

Pages 73 through 80, strike sections 311 and 312 of the bill.

Redesignate subsequent sections of title III of the bill accordingly. Conform the table of contents of the bill accordingly.

Pages 93 through 95, strike section 318 of the bill.

Redesignate subsequent sections of title III of the bill accordingly. Conform the table of contents of the bill accordingly.

Page 130, line 2, after the period insert closing quotation marks and a period.

Page 130, strike lines 3 through 25.

Page 131, strike lines 5 through 22 and insert the following:

''(r) SYNCHRONIZED PERMIT TERMS.—Notwith-* * *

Mr. MINETA. Mr. Chairman, my amendment is an effort to salvage the heart of the Clean Water Act. It would do so by striking the provisions in title III that roll back standards for industrial dischargers.

We have all heard repeatedly that the Clean Water Act is the most successful Federal environmental law. The widely acknowledged successes of the Act are attributable to its control of pollutant discharges from so-called point sources. Point sources are industry and sewage treatment works discharging their polluted wastewater into our Nation's lakes, rivers and streams, and the ocean.

Ironically, it is precisely the part of the act that is responsible for its success that H.R. 961 would dismantle. In the name of increased flexibility, loophole by loophole the bill would eliminate fundamental protections of the Act that have resulted in the significant gains we have seen over the past 20 years.

Ideally, any amendments to the Clean Water Act would improve water quality, since 40 percent of our Nation's waters still do not meet state-designated water quality standards. Under that standard, these waivers clearly should be stricken.

However, even under a far lower standard for judging whether the bill's industrial waiver provisions should be stricken, the waivers must go. That lower standard is simple: will the waiver provision increase pollution and degrade water quality below today's level? If so, it should be stricken. That is what my amendment would do.

If a waiver provision will allow us to hold on to the progress that our municipalities, industries and citizens have worked so hard to achieve, then it might be acceptable. Unfortunately, when measured against this minimal standard, the bill's industrial waiver provisions fail miserably.

Here are a few of the many examples of the illogical, and environmentally and financially destructive, consequences of the bill's many industrial waivers:

A factory could obtain a permit that allows it to significantly increase the toxic pollutants it discharges into a river nearby a residential area, if the owner of a factory 100 miles away agrees to reduce its emissions into the air.

An industry that discharges its polluted wasterwater into a municipal sewage treatment plant could reduce the level of treatment prior to discharge, even if the municipal treatment plant regularly has combined sewer overflows that cause untreated

waste, including industrial waste, to flow into resident's basements, the streets and waterbodies.

Dischargers of nearly 70,000 chemicals could flood EPA with requests for waivers from the current baseline standard for certain toxic and nonconventional pollutants. These include most of the pollutants referred to as dioxins.

It has been argued that the waivers will not cause a setback in water quality because waivers are not available unless authorized by a State or EPA. This supposed safeguard is in most instances an illusion.

In some instances the waiver is automatic, without State or EPA approval. In others, the bill requires EPA or a State to grant a waiver if certain conditions are met, and those conditions frequently do not focus upon water quality. The bill essentially creates entitlements to waivers, and then if the State or Federal agencies deny the waivers, the polluter can challenge the denial in court, further straining limited State and Federal resources, and making this program more like Superfund.

The bill's industrial waivers create new standards that are vague, unclear, and, in come instances, patently impossible to implement. These waivers would dramatically increase burdens on States responsible for implementing them, cause delays in permitting, and increase the amount and complexity of litigation.

The waivers would cause uncertainty for industry, by eliminating the bill's uniform standards and introducing in their place multiple ambiguous waivers. They would create competition between communities for industry and jobs, resulting in reduced standards for water. They would create an unlevel playing field, where the preferences given certain industrial dischargers will result in competitive disadvantages to those who did not obtain waivers. And, the waivers will especially harm those who live downstream, as most of us do, from industrial dischargers that may receive waivers from the Clean Water Act's treatment requirements.

My amendment would not increase regulatory requirements or financial burdens. It would simply mean that industry could not do less than it is already doing. My amendment is about holding on to the benefits of one of the Congress' and this Great Nation's true success stories. It is about not losing the achievements of the past 20 years. And, it is about improving the quality of the water that our children and our childrens' children will inherit. A vote for increasing industrial water pollution through waivers would be unconscionable. I urge you to support my amendment.

□ 1600

Mr. SHUSTER. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, this amendment is simply a grab bag of deletions of both the reform and flexibility provisions in the bill. It deletes the provisions of flexibility on the nonconventional pollution. It guts the pollution provision opportunities. It deletes the pretreatment flexibility. And, perhaps most importantly, it fundamentally mischaracterizes the waiver provisions in this bill.

My good friend from California says that these waivers should be eliminated because they give industry and others the opportunity to in effect get entitlements to waivers. That simply is not the case. No waiver can be granted unless the States water authority officials and the EPA approve the waiver.

Now, are the State water quality officials going to approve a waiver that harms the environment? Is the EPA going to approve a waiver that harms the environment?

Of course not. These waivers, when requested, must meet water quality standards, and they must get the written approval of the water quality officials in the States or the EPA.

So this simply is an attempt to gut the legislation we have before us. The very groups, and I will not take a lot of the committee's time to go through this in detail. We covered this in the previous debate. The very same groups from the National Governors' Association on down, who opposed the previous amendment, oppose this legislation.

So I would urge my colleagues to vote this down so we can get on with the consideration of this bill.

Mr. BORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my strong support for the amendment offered by the gentleman from California [Mr. MINETA], the distinguished ranking member of the Committee on Transportation and Infrastructure. This amendment would strike the many loopholes and waivers that are sprinkled throughout the title of this bill. This title replaces the strong national standards that have made the Clean Water Act a success with national loopholes. The gentleman from California has found nine specific provisions that roll back the Clean Water Act.

Does anybody really know the impact of these changes? Has anyone examined their long-range implications?

The Environmental Protection Agency called the waivers and exemptions in the bill a wholesale repeal and replacement of the fundamental provisions in the Clean Water Act. Strong and predictable national standards have been at the heart of the success of the Clean Water Act during the past 2 decades. These standards should not be chopped up by this combination of waivers and loopholes that some secret industry task force had on its wish list.

The Clean Water Act has meant improved water quality across the Nation for every citizen in this country. For 20 years, we have been working to make our bath waters cleaner, and in many cases there have been much success. I urge my colleagues not to turn their back on the success of the past 20 years.

A vote for this amendment is a vote to maintain the strong Clean Water Act that we currently have. I urge Members to vote for the Mineta amendment and vote against a weakening of the Clean Water Act.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. H.R. 961, as drafted, represents a frontal attack on one of our country's most successful environmental laws. We have spent two decades diligently cleaning up our Nation's streams and rivers and lakes, and it is inconceivable to me that anyone would now advocate back pedaling on the great progress we have made.

In the Portland metropolitan area, which I represent, clean water consistently ranks as the top environmental concern of area residents. So important is clean water to Oregonians that they have agreed to spend more than $750 million to prevent Portland's combined sewer overflow from dumping raw sewage into nearby waterways.

Oregonians remember very well the days when the Willamette River which flows through Portland was one of the most polluted rivers in the country. The waters of the Willamette were so choked with pollution that when live fish were put in a basket and lowered into the river to check water quality, it took only a minute and a half for the fish to die.

Obviously, at the same time it was unsafe for people to swim in the river, along with the fish. Now, this river, Mr. Chairman, was a disgrace. But thanks to the Clean Water Act, the Willamette River is now safe to swim in and salmon once again are present in increasing numbers.

Oregonians do not want to go back to the days of polluted waters, and neither do the American people. Americans do not want to see raw sewage floating in the surf when they visit the beaches. Americans do not want to worry about their children getting sick from swimming in a neighborhood stream. Americans do not want to think that the fish they catch in their favorite fishing hole might be too toxic to eat. And Americans do not want to turn back the clock to polluted rivers that actually caught fire. When they would go to the sink to get a drink of water, Americans do not want to choke on what comes out of the top.

What Americans people do want is a strong Clean Water Act, and I urge my colleagues to vote ''yes'' on the Mineta amendment.

Mr. TAUZIN. Mr. Chairman, I rise in strong objection to the Mineta amendment. The pollution prevention provisions of H.R. 961 are not a loophole. Instead, this bill would allow a facility to engage in multimedia offsets within a facility, or to trade between facilities, if it could

demonstrate to EPA or the State that the result would produce an overall net benefit to the environment.

A chemical plant in my district, Union Carbide, identified a multimedia pollution prevention project as an alternative to a rigid Clean Water Act technology-based numerical effluent limitation for certain non-toxic pollutants. Instead of a costly expansion of end-of-pipe treatment that would just shift waste from the water to a landfill, this innovative solution would have recovered 40 thousand pounds of product each day, reduced land disposal of sludge by 3,000 pounds a day, cut air emissions and saved energy. The only problem is that while pilot studies showed that the rigid Clean Water Act numerical limit could be met under most weather conditions, it could not guarantee that it would meet the standard 100 percent of the time. Pilot studies show that temperatures below 50 degrees F during the months of January and February would decrease the treatment efficiency. A conservative estimate, based on the unlikely prospect of 2 months of Southern Louisiana temperatures below 50 degrees, would still result in the treatment system meeting the standard a minimum of 84 percent of the time. Variance from the standard would be between 15 and 25 parts per million (ppm) for total suspended solids. The variance could be made up by executing a trading agreement with another source under section 302(c) of H.R. 961. A few cold days in Louisiana might cause the limit to be exceeded by an environmentally insignificant amount.

The plant could not take the risk of going forward with the project without the certainty of meeting the standard. Ironically, it would have cost more in initial capital expense than conventional end-of-pipe treatment, but the company was willing to do it because it made more environmental sense, and would have paid for itself over time. The plant was also willing to pay a farmer up-river to reduce his non-point discharge of TSS into the river. A greater reduction could have been achieved more cheaply. But because there was no flexibility available in the foreseeable future, this innovative solution has been shelved. Everybody loses. Especially the environment!

This bill, unlike the current law, will promote and reward innovation rather than stifle it. It's about time we started writing laws that unleashed creativity rather than shackled our industry to an outdated system of one size fits all regulations.

Mr. POSHARD. Mr. Chairman, I rise in opposition to the amendment offered by my good friend, Mr. MINETA.

In particular, I rise in opposition to that part of his amendment which deletes the remaining provisions of the bill, which we adopted in committee without opposition.

In 1987, all over the coal mining States of this country, we had sites that had previously been mined. They were sitting there with recoverable coal left at the site needing to be remined. The coal could be extracted and the area brought up to the standards of mine reclamation laws in this country.

The problem was that the coal industry would not go in and remine those previously mined lands because operators did not feel certain that preexisting discharges of poor water quality could be totally eliminated. And they were unwilling to be held liable for a pollutional discharge already existing on the site.

So this Congress said in 1987, OK, we know these sites exist. We know they need to be reclaimed. And if the Government has to pay for the reclamation it will be expensive to the taxpayers.

So in order to make it economically feasible for the coal companies to go in, remine what remaining coal they could get from the site and reclaim the land by bringing it up to present reclamation standards, the Congress in the 1987 Clean Water Act provided that a reminer only had to insure that his or her operation did not cause discharges to be worse than what was found at the site, and in fact, under the provisions of the 1987 act, every effort is to be made to improve the quality of the discharged water.

So the effect of this 1987 provision in the Clean Water Act is that we got not only the remaining coal on previously remined sites, we reclaimed previously mined sites that would not have been reclaimed, and in most cases improved the water quality discharges from those sites. But in no instance did we make the water quality discharge worse than it had previously been before the remining took place.

So what's the problem? The problem is that certain remining operations initiated prior to the 1987 amendments were not afforded this relief. While these pre-1987 operations may, in fact, meet the criteria set forth in the 1987 amendments, they are not in compliance with the Clean Water Act simply because they were initiated prior to the amendments. This bill simply provides this class of remining operations be accorded the same treatment as those initiated after the 1987 act.

The remaining provisions of this bill are just and appropriate and should be adopted and this amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MINETA].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MINETA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 260, not voting 8, as follows:

[Roll No. 313]

AYES—166

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Green
Hall (OH)
Harman
Hastings (FL)
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Smith (NJ)
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOES—260

Allard
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (CA)
Brownback
Bryant (TN)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce

Quillen	Skelton	Upton
Quinn	Smith (MI)	Visclosky
Radanovich	Smith (TX)	Vucanovich
Ramstad	Smith (WA)	Waldholtz
Regula	Solomon	Walker
Riggs	Souder	Walsh
Roberts	Spence	Wamp
Roemer	Spratt	Watts (OK)
Rohrabacher	Stearns	Weldon (FL)
Roth	Stenholm	Weldon (PA)
Royce	Stockman	Weller
Salmon	Stump	White
Sanford	Talent	Whitfield
Scarborough	Tanner	Wicker
Schaefer	Tate	Wilson
Schiff	Tauzin	Wise
Seastrand	Taylor (NC)	Wolf
Sensenbrenner	Tejeda	Young (AK)
Shadegg	Thomas	Young (FL)
Shaw	Thornberry	Zeliff
Shuster	Tiahrt	Zimmer
Skeen	Traficant	

NOT VOTING—8

Baker (CA)	Fattah	Peterson (FL)
Bunning	Lewis (KY)	Rogers
Collins (IL)	Moakley	

□ 2030

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Lewis of Kentucky against.

Mr. HOLDEN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title III?

Mr. BOEHLERT. Mr. Chairman, I would defer to our colleague, the gentleman from Alabama [Mr. BACHUS], because I understand he has a noncontroversial amendment that will be accepted by both sides.

The CHAIRMAN. For what purpose does the gentleman from Alabama, [Mr. BACHUS] rise?

AMENDMENT OFFERED BY MR. BACHUS

Mr. BACHUS of Alabama. Mr. Chairman, I offer a noncontroversial amendment. This is a revised version of amendment 1, as originally printed in the CONGRESSIONAL RECORD.

The Clerk read as follows:

Amendment offered by Mr. BACHUS: Page 146, line 17, strike ''The'' and insert ''Working in conjunction with the Administrator of the Small Business Administration and the Small Business Ombudsman of the Environmental Protection Agency, the''.

Mr. BACHUS of Alabama. Mr. Chairman, I did allow that amendment to be read because it was short, and it basically speaks for itself. The bill refers to small businesses, without any definition that allows the administrator of the EPA total discretion in defining small business. What we have simply done, at the request of small business advocates, including the NFIB, is simply ask that the administrator of the Small Business Administration and the small business advocate at the EPA have input in defining small businesses.

Mr. Chairman, this amendment will further clarify the provisions of the bill which are intended to reduce the paperwork and regulatory burden placed upon small businesses.

In order to reduce the regulatory burden that strangles small businesses in our Nation, the committee bill purports to exempt small businesses from general and site-specific stormwater discharge permits.

While the reformed permit process contained in the committee bill is a tremendously positive step in the right direction, the bill leaves it to the total discretion of the EPA to promulgate a definition of whether or not a business qualifies as a ''small business.'' Many members, myself included, fear that EPA will attempt to circumvent the clear intent of the bill and define ''small business'' so narrowly that it will, as a practical matter, exempt few of the Nation's small businesses.

My amendment requires that the EPA work with the Small Business Administration and the EPA's Small Business Ombudsman in defining ''small business.'' We think, and the NFIB and other small business advocacy groups agree, that with SBA and the Small Business Ombudsman's input, it will help ensure that in drafting its definition of ''small business'' the EPA will not frustrate the intent of the bill.

While my amendment will continue to give discretion to the EPA in coming to a proper definition of ''small business,'' in my personal view any EPA definition of ''small business'' which does not include as small businesses, at the minimum, all businesses with 100 or fewer employees, would frustrate the intent of the bill. Including all such businesses as small businesses would be consistent with section 507 of the Clean Air Act that defines ''small businesses'' as any business with 100 or fewer employees.

In closing, let me stress that this amendment does not affect those provisions in the bill that empower a State to find that stormwater discharges from any entity would have a significant adverse effect on water quality. In any such case, a permit would be required regardless of whether the entity was a small business or not.

Thus, it should be made very clear that any small business can be made subject to the permit requirement if a State finds that the entity is conducting an activity that has a truly significant adverse effect on water quality. What my amendment does is help protect the goal of the committee to reduce cost and paperwork that burdens literally thousands of small businesses that do not pose a threat to our Nation's water quality.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. BACHUS of Alabama. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. We have examined this amendment and we support it, Mr. Chairman.

Mr. MINETA. Mr. Chairman, would the gentleman from Alabama yield?

Mr. BACHUS of Alabama. I yield to the gentleman from California.

Mr. MINETA. Mr. Chairman, this side has looked at the amendment. We have no objections to it at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BACHUS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BOEHLERT:

Page 115, strike line 5 and all that follows through line 3 on page 117 and insert the following:

(n) COASTAL ZONE MANAGEMENT.—Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1451 note) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''(A)'' after ''PROGRAM DEVELOPMENT.—''; and

(B) by adding at the end the following:

''(B) A State that has not received Federal approval for the State's core coastal management program pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) shall have 30 months from the date of approval of such program to submit a Coastal Nonpoint Pollution Program pursuant to this section. Any such State shall also be eligible for any extension of time for submittal of the State's nonpoint program that may be received by a State with a federally approved coastal management program,'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''to protect coastal waters generally'' and inserting ''to restore and protect coastal waters where the State has determined that coastal waters are threatened or significantly degraded'';

(3) in subsection (b)(3)—

(A) by striking ''The implementation'' and inserting ''A schedule for the implementation''; and

(B) by inserting '', and no less often than once every 5 years,'' after ''from time to time'';

(4) in subsection (b) by adding at the end the following:

''(7) IDENTIFICATION OF PRIORITY AREAS.—A prioritization of the areas in the State in which management measures will be implemented.'';

(5) in subsection (c) by adding at the end the following:

''(5) CONDITIONAL APPROVAL.—The Secretary and Administrator may grant conditional approval to a State's program where the State requests additional time to complete the development of its program. During the period during which the State's program is subject to conditional approval, the penalty provisions of paragraphs (3) and (4) shall not apply.'';

(6) in subsection (h)(1) by striking '', 1993, and 1994'' and inserting ''through 2000''; and

(7) in subsection (h)(2)(B)(iv) by striking ''fiscal year 1995'' and inserting ''each of fiscal years 1995 through 2000''.

Mr. BOEHLERT. Mr. Chairman, I think the last vote, the last recorded vote, indicates that there is strong sentiment for making some adjustments to H.R. 961, as reported from the Committee on Transportation and Infrastructure. As a matter of fact, we had a 184 vote, indicating that people want some adjustment.

I have been told that if we break down the overall package and bring some of the most important component parts before this body, we will have a better chance of achieving our objective. Therefore, we are doing just that. This amendment I am offering deals with the Coastal Zone Management Program. As we all know, the committee's bill repeals that very important program. The program cries out for reform, not repeal.

Nonpoint source pollution impairs more water bodies nationwide than any other pollution source. Nearly half of all estuarine waters are impaired or threatened, mostly from nonpoint sources. Pollution has limited the harvest of over one-third of all shellfish beds in the United States, and more than 10,000 beaches, 10,000 beaches, were closed to the public over the past 5 years, and 46 out of 50 States have banned or issued health advisories on fish consumption, because of contamination from dangerous toxins.

Clearly, this is a public health-public safety issue, as well as an environmental issue. The health costs pose even greater threats to the public welfare, not to mention the declining fisheries, the lost income, jobs for the tourism industry.

Section 6217 of the Coastal Zone Act reauthorization amendments is the only enforceable program developed by Congress to prevent nonpoint source pollution. It was adopted in 1990 expressly to address polluted runoff in coastal areas by creating a State-Federal partnership to develop and implement coastal nonpoint source pollution control programs.

Mr. Chairman, we look, and we have reached out to others beyond this institution, beyond this Nation's Capitol, for input. We have gone to those most directly affected by that. In this instance, we have been dealing with the Coastal States Organization, representing 30 coastal States, all up and down the east and west coasts of the United States and along the Gulf of Mexico.

The Coastal States Organization has endorsed the coastal zone provisions that I am referring to in this amendment as a substitute to the Clean Water Act reauthorization as it remains silent on that issue. Actually, it is more than silent. It repeals it.

Let me read from the letter of the Coastal States Organization; once again, 30 States, 30 Governors, Republicans and Democrats alike, people who day in and day out have to live with this issue. The letter says:

> We are encouraged to hear you will offer an alternative package to the Clean Water Act reauthorization that would amend, rather than repeal, the coastal nonpoint pollution control program. . . . Runoff pollution causes significant economic harm. Commercial and recreational fisheries are being closed. Beaches are being closed to the public. Nonpoint pollution poses serious human health and safety concerns, while at the same time degrades wildlife habitat. This problem needs to be addressed now, before this country suffers further economic losses, health hazards, and environmental degradation. . . .

We ''strongly support,'' says the Coastal States Organization, representing 30 States, 30 Governors, ''We strongly support your efforts to amend, not repeal, the nonpoint pollution coastal program established under section 6217 of'' the act.

Therefore, Mr. Chairman, I urge my colleagues to give this the very careful consideration it deserves. I know this has been a long day. It has been a good day, however, because the House has proven that we are spirited in debate, that competing ideas are considered, pro and con, and finally we will render a judgment in the people's behalf. I urge support of my amendment.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this amendment simply was already included in the substitute, which was very resoundingly defeated two votes ago. I am sure my good friend, the gentleman from New York, would not knowingly intentionally mislead the House. The letter the gentleman quoted from was not from the Governors. In fact, the National Governors Association opposes this provision. The letter he quoted from was from the Coastal Zone Management Association, which is made up of the bureaucrats who run it, and of course that is quite a difference. Beyond that, the Water Quality Association also opposes this amendment.

Mr. Chairman, to say that we eliminate coastal zone management simply is not true. Our bill does not gut those protections. What our bill does is fold the coastal zone management provision into the section 319 program, so we bring together the two programs, so we have more flexibility, and what we do is eliminate this one-size-fits-all provision, which is in the law and which would be followed if my friend's amendment is adopted.

If his amendment is adopted, we would simply continue with the States being forced to adopt the same exact program for agriculture, ranching, forestry, marinas, and urban areas. It lacks flexibility. It imposes restrictive Federal mandates on States. It gives EPA the power to determine appropriate land use practices, and requires the States to adopt enforceable land use requirements, which would have to be approved by EPA.

States must identify, under the provisions in our bill, States must identify critical coastal areas. The States may focus resources on priority coastal waters, but have the flexibility to target areas of concern. Unlike CZARA, the bill does not allow the Federal Government to mandate where a State coastal zones boundary should be.

If the State already has developed its coastal zone management program, it may implement that program, but H.R. 961, the bill, does not mandate that States develop two separate programs, one for the State generally, and one for the coastal areas. Instead, it eliminates this duplicative regulation. In fact, even though it is late in the evening, with some difficulty, I can lift this 800-and-some-page tome, which now represents all the regulations that the States must follow under EPA guidance. This is the kind of thing we are trying to eliminate.

Mr. Chairman, we do not eliminate coastal zone management, we streamline it, fold it in, and tell the States they have flexibility to achieve what is best for them. I urge defeat of this amendment.

Mr. BOEHLERT. Mr. Chairman, will my colleague yield?

Mr. SHUSTER. I am happy to yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, the reason it is very difficult to lift that very heavy document is because that is not a document that contains regulations, it contains options for the States.

Mr. SHUSTER. I would take back my time, Mr. Chairman, and point out that the gentleman is so right, this was supposed to be guidelines. However, the EPA is using this and interpreting it as a basis for forcing the States to comply. It is one more example of something that is supposed to be an EPA guideline, but ends up really having the force of an unfunded mandate, and that is another reason why we should defeat this amendment.

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Mr. BOEHLERT. If my distinguished chairman would yield one more time, I would point out my amendment fixes the problem you are referring to. That is exactly why the amendment deserves to be supported.

Mr. SHUSTER. I thank my friend. That is not the way we interpret it, it is not the way the national Governors interpret it, and it is not the way the State Water Quality Association interprets it.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I would just like to point out, I know there is some confusion over all the letters we have had floating around here today, but the letter that the gentleman from New York refers to that does endorse this provision, the provision that is the subject of this amendment, is a letter from the Coastal States Organization which was an organization founded in 1970 to represent the Governors of the 35 coastal States, Territories and Commonwealths on coastal, Great Lakes, and ocean affairs.

Mr. SHUSTER. I would take back my time and say the gentleman is absolutely right. It is an organization. These are the bureaucrats from the various States, and the National Governors Association opposes this amendment.

Mr. MINETA. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. STUDDS].

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Chairman, I thank the gentleman for yielding me the time. I had an identical amendment drafted myself. I commend the gentleman from New York and his leadership on this and all other matters today.

Mr. Chairman, I rise in support of the gentleman's amendment. H.R. 961 will undo much of the progress we have made in cleaning up our rivers, lakes, and oceans over the last 25 years. The supporters of this bill dismiss such concerns as hysterical. But all you have to do is read the bill. H.R. 961 throws out the baby and makes the taxpayer drink the bathwater. It weakens protection of the aquatic environment on nearly every major front. The amendment offered by the gentleman from New York would restore some protection on just one of those fronts—nonpoint pollution of our coastal waters.

Those of us that represent coastal areas—and there are many of us in this body, know that a clean marine environment is vital to the local economy and quality of life. This is important considering that more than half of all Americans now live in coastal counties, and this proportion is expected to increase in the future. Americans who do not live on the coast also benefit from a clean coastal environment, either in the form of abundant, healthy seafood or from recreational opportunities at the seashore. Fisheries and tourism can only thrive along our coasts if the water is clean. Commercial and recreational fisheries contribute more than $30 billion to the economy annually. Coastal tourism is worth another $10 billion each year.

While we need to continue to make progress on all fronts, it is only fair to say that a major success of the Clean Water Act has been to reduce pollution from point source discharges. However, the greatest remaining cause of water pollution in the United States is nonpoint source pollution—polluted runoff not attributable to a particular discharge pipe or outfall.

Unfortunately, the supporters of H.R. 961 ignore the need to deal effectively with nonpoint pollution. The bill before the House repeals the coastal nonpoint pollution control program, which is the only national program that holds any promise of actually abating nonpoint pollution. Repealing the program now is especially ill-timed because the coastal States will be submitting their plans for addressing nonpoint pollution this year. H.R. 961 would instead rely on existing voluntary measures under section 319 of the Clean Water Act. Hundreds of millions have been spent under section 319 over many years with no demonstrable progress. To make matters worse, H.R. 961 weakens section 319 by pushing back deadlines and relaxing requirements for the State to identify meaningful ways of abating nonpoint pollution.

Under the coastal nonpoint pollution program, coastal States have been working hard for 5 years to prepare their plans for controlling nonpoint pollution. This has not been easy, but progress has been made. Perhaps more importantly, the coastal States support this program. They have, however, sought more flexibility in complying. While I believe that some of the changes sought by the Coastal States Organization will delay progress in reducing nonpoint pollution, that is not really the question. The real question is: Do we want a meaningful nonpoint pollution control program or do we not? If you support healthy fisheries, a strong coastal economy, and beautiful coastlines, the answer must be a resounding "yes."

This amendment strikes language in H.R. 961 that repeals the coastal nonpoint pollution control program. In addition, it makes the changes needed in the nonpoint program to give the States more flexibility in complying. Most importantly, it allows more time for States to meet the program's requirements and allows States to target priority areas for implementation of management measures.

The coastal States have put 5 hard years of work into this program. Don't throw away that progress. I urge the House to support the amendment.

Mr. MINETA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am pleased to support the amendment which would preserve the coastal zone nonpoint source pollution control program while incorporating several important modifications to reflect the evolution of the program.

When Congress approved the nonpoint source program targeted at coastal areas, it did so with the recognition that nonpoint source pollution in the coastal zone is a serious and growing problem.

Nonpoint source pollution plays a significant role in nutrient enrichment in estuaries. This can lead to direct effects on human health, such as shellfish poisoning, as well as a loss of recreational uses of the coast and reduced fish mortality.

Unfortunately, the coastal zone is under tremendous stress from human activity. Although the coastal zone accounts for only about 11 percent of the country's area, it is home to about one-half of the Nation's population. Additionally, about 40 percent of commercial and industrial structures built in the United States between 1970 and 1989 were built in the coastal zone.

All of this activity in the coastal zone creates tremendous stress on the near-shore waters. Repealing the provisions for coastal protection will only exacerbate the decline of our coastal resources.

The States and EPA have made great progress in preparing plans to address nonpoint pollution in the coastal zone. States are preparing plans for submission this summer, with implementation likely to begin about 1 year later.

The repeal of the program will mean that the efforts of States and EPA and NOAA will have been largely wasted. More seriously, it also means that no real progress will be initiated on coastal nonpoint source pollution for nearly another 5 years. And that assumes that this bill is enacted soon. That is too long to wait when States are otherwise ready to go.

This repeal of coastal nonpoint programs sends exactly the wrong statement about our commitment to clean coastal waters. We hear repeatedly that we must move this bill quickly to preserve appropriations. One thing is near certain. If this committee approves legislation repealing the coastal program, how can we expect the appropriations committee to provide funding in 1996 or subsequent years?

What we will be creating if this amendment is defeated is an unfunded mandate on coastal States. The requirements will continue, but we cannot count on continued funding.

Second, we will be telling the States to stop in their tracks. Why would a State continue its efforts to establish a coastal zone program, when we are about to repeal it?

The States have had some differences with EPA over implementation of the program. Fortunately, the States and EPA have worked out a number of differences in the implementation of the program. These agreements are reflected in the amendment restoring the program. The amendment addresses the problems which the Coastal States Organization have identified. The coastal States do not want the program repealed—they want it fixed. This amendment does that.

Let us preserve those areas of water pollution control where real problems have been identified, and real solutions to those problems are being put in place. Let us respect the wishes of the States which implement the program, and support the Boehlert amendment.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would first like to commend the gentleman from New York [Mr. BOEHLERT] for bringing this amendment back to the floor tonight, and I would also like to commend the ranking minority member for having the foresight to support it. I would just say two things.

Mr. Chairman, the first point I would make is that it is impossible for the Congress of the United States to pretend that the issue of nonpoint source pollution does not exist around the coasts of the United States. It is simply impossible, because the problem is there. It is a fact of life as clear as the nose on our faces. Beaches close every year. Red tides and blue tides and green tides, they come from algae buildup because nutrient buildup is there.

Organizations form around our coasts like the Committee to Save Chesapeake Bay, the Barnegat Bay Watershed Association, and other groups like that which recognize the seriousness of this problem. This House in 1990 recognized it as well. That is why we amended the Coastal Zone Management Act to provide for a nonpoint source pollution program and encouraged the States to adopt these programs.

It is dumb to pretend that the problem does not exist, just plain dumb. For us to stop in the middle of the road, amend the Coastal Zone Management Act while pretending the problem does not exist, is equally dumb. I do not know any other way to say it. It just does not make any sense whatsoever.

The second point that I would make, and I know that the chairman did not mean to misrepresent the identity of those organizations that support this amendment, but the Coastal States Organization is an organization made up of 35 States, Territories, and Commonwealths who are coastal States and

have an interest in this type of issue and in this legislation. The Coastal States Organization was founded in 1970 to represent the Governors of coastal States.

We have a letter here which at the appropriate time I would like to make part of the RECORD, because it is as clear as a bell in support of the Boehlert amendment. I would just read one paragraph from that letter.

The serious problem of non-point pollution of the Nation's coastal waters is well-documented. Runoff pollution causes significant economic harm. Commercial and recreational fisheries are being closed. Beaches are being closed to the public. Non-point pollution poses serious human health and safety concerns while at the same time degrades wildlife habitat. This problem needs to be addressed now, before this country suffers further economic losses, health hazards and environmental degradation. With the proper amendments, which we understand your bill contains, the section 6217 program will well serve this purpose.

It goes on to explain other reasons for supporting the program to do something about the very serious problem that remains in the coastal areas, namely, nonpoint source pollution, and the program is well under way with the States all around the coasts of this country.

Mr. Chairman, this amendment has to be passed in order to do any kind of sane continuation to solve the problem that we all must know exists.

Mr. Chairman, I include the letter referred to for the RECORD.

COASTAL STATES ORGANIZATION,
Washington, DC, May 8, 1995.

Hon. JIM SAXTON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN SAXTON: We are encouraged to hear you will offer an alternative package on the Clean Water Act reauthorization that would amend, rather then repeal, the coastal nonpoint pollution control program established by §6217 of the Omnibus Budget Reconciliation Act of 1990 (OBRA). We write to support you in this effort.

The serious problem of nonpoint pollution of the Nation's coastal waters is well documented. Runoff pollution causes significant economic harm. Commercial and recreational fisheries are being closed. Beaches are being closed to the public. Nonpoint pollution poses serious human health and safety concerns, while at the same time degrades wildlife habitat. This problem needs to be addressed now, before this country suffers further economic losses, health hazards and environmental degradation. With the proper amendments, which we understand your bill contains, the §6217 program will serve this purpose.

It is no secret that we have had complaints about the §6217 program. Nonetheless, we believe that the immediacy of the coastal nonpoint pollution problem calls for this program to be fixed, not killed. The coastal States have over four years worth of work invested in developing the §6217 programs; they are nearly complete, and are due for submission in July. Why throw four years of diligent work out the window two months before the completion date? By amending the §6217 program as we propose, the Nation will have in place an effective coastal nonpoint pollution control program within 8 months from now. Repealing §6217, on the other hand, will delay getting any program up and running for another five or six years.

We strongly support your efforts to amend, not repeal, the coastal nonpoint pollution control program established under §6217 of OBRA.

Sincerely,

H. WAYNE BEAM,
Chairman.

Mr. BORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support this amendment to strike the repeal of the highly effective coastal zone nonpoint pollution program.

The amendment would substitute the language that was proposed by the Coastal States Organization, a coalition of 30 States.

The Coastal States Organization has repeatedly expressed its strong opposition to the repeal of the coastal nonpoint pollution program.

On March 17, the Coastal States Organization said, ''Section 6217 should not be repealed, but amended, to establish a workable and effective state-implemented program.''

This is what the Coastal States Organization had to say on nonpoint pollution.

The problem on non-point pollution of the nation's coastal waters is real and serious.

Runoff pollution is causing serious economic harm.

Let me repeat that:

Runoff pollution is causing serious economic harm.

Commercial and recreational fisheries are being shut down due to runoff pollution. Beaches are being closed.

Nonpoint source pollution poses human health and safety concerns, while at the same time degrading wildlife habitat.

I am still quoting from the Coastal States Organization.

This problem needs to be addressed now, before this country suffers further economic losses, health hazards and environmental degradation.

They say the coastal States have 4 years of work invested in this program which would be lost if we repeal czara.

The coastal States letter opposes the very approach that is being taken in the bill before us.

The assertion is often raised that the section 6217 program is Duplicative of the clean water act section 319 program. We assert it is the other way around.

By amending the section 6217 program as we have suggested, the Nation will have in place an effective coastal nonpoint pollution control program within 10 months from now.

But, by repealing section 6217 outright and replacing it with the clean water act section 319 program, the Nation will not have a program in place to address this serious problem for another five and a half years after the clean water reauthorization is enacted.

The reauthorization effort will require at least several more months to finally be enacted, making it about six years before any program is in place to address the serious nonpoint pollution programs degrading our coastal waters.

These 30 States said:

We believe the best course of action is not to throw out 4 years of State effort developing their coastal nonpoint pollution control programs, but rather to put in place, at the earliest possibility, a workable and effective program to attack nonpoint pollution of the Nation's coastal waters.

Finally, they said:

We urge you to help us act against the pollution of our coastal waters as soon as possible and not let the problem fester for another 6 years.

Mr. Chairman, I urge that we do what the Coastal States Organization has asked us to do.

They want the program maintained with amendments that would allow impaired or threatened waters to be targeted and to allow additional time for States to receive approval of their programs. This amendment would substitute the language the States are seeking for the repeal in the bill.

This is a case of deciding whether the States who run the programs or Washington knows best. This amendment offered by the gentleman from New York supports the States.

☐ 2100

Mrs. FOWLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with the chairman regarding laboratory biological monitoring criteria and the field bioassessment in section 304 of H.R. 961 as amended by the chairman's en bloc amendment.

It is my understanding, Mr. Chairman, that section 304(a) of H.R. 961 as amended would revise the provisions of the Clean Water Act found in section 303(c)(2)(B) by giving additional direction as to the criteria for whole effluent toxicity, based on laboratory biological monitoring or assessment methods.

The statute as amended gives three criteria. Common to all three criteria is the concept that the test species must have some actual relationship to the receiving water.

The test species cannot, for instance, be selected simply because it is highly sensitive to toxicity. The test species must either be indigenous to the type of receiving water involved or be able to live in the type of receiving water involved.

Mr. SHUSTER. Mr. Chairman, if the gentlewoman will yield, that is correct.

Mrs. FOWLER. It is my understanding that section 304(b) of H.R. 961 as amended would revise section 402 of the Clean Water Act to make it clear that exceedence of a laboratory whole effluent bioassay would not be regarded as a permit violation, but would give rise to a procedure for re-testing and identification of the cause of such exceedence.

However, the permittee can discontinue such procedure if the permittee can demonstrate, through a field bio-assessment, that there is no real world toxicity problem because a balanced and healthy population of aquatic species, indigenous to the type of water involved, exists in the receiving water affected by the discharge.

To complete this demonstration, the permittee must also show that all applicable numerical water quality standards for specific pollutants are met. The point here is that this is a real world demonstration. There is no reference in this provision to laboratory whole effluent bioassays, which can be highly variable and unrelated to real world conditions.

Mr. SHUSTER. The gentlewoman is absolutely correct.

Mr. HEFLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I am happy to yield to my colleague, the gentleman from Colorado.

Mr. HEFLEY. First, I would like to thank the gentlewoman from Florida for seeking this clarification in section 304(a) of H.R. 961. This section as amended seeks only to bring a sense of place-based science to the development of criteria based biological monitoring to the Clean Water Act.

Second, I would like to commend the chairman of the full committee for including these well crafted provisions on whole effluent criteria and use of biological monitoring in the committee bill. These provisions faithfully address those issues and provisions of my bill, the Publicly Owned Treatment Works Biological Monitoring Use Act, introduced this year as H.R. 634 with our colleague form Arizona, Congressman PASTOR. As further explained in the committee report, this section would bring common sense and due process to the use of whole effluent toxicity tests by substituting enforceable response procedures for locating and reducing toxicity in place of fines and penalties for test failures. This is important to local governments particularly because of the unreliability of these tests and because sewage treatment plants are not designed to treat whole effluent toxicity as they are designed to treat specific chemicals.

I thank the chairman and the committee for including section 304 and I thank the gentlelady for yielding to me.

Mrs. FOWLER. Mr. Chairman, I thank Congressman HEFLEY for his supportive comments and I thank the chairman for this understanding.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard a lot of misinformation in this Chamber about the widespread support this bill has from State and local governments. The truth is that the State's interests were ignored when it came to the coastal nonpoint pollution program because their wishes differed with those of polluters and special interests.

Today, coastal counties are growing three times faster than the rest of the country. Already about half of the U.S. population lives in coastal areas. Without adequate protection, this continuing growth will only exacerbate coastal pollution—resulting in more beach closings, more polluted shellfish beds, more contaminated fish, and millions of dollars in lost tourism revenue.

To tackle these threats, Congress enacted the Coastal Nonpoint Pollution Program (section 6217) under the Coastal Zone Act Reauthorization Amendments of 1990. In fact I sponsored the amendment at that time. Section 6217 establishes sensible, State-managed partnerships to address the threats to coastal waters—the majority of which comes from nonpoint sources. It is the only program that will bring about significant reductions in nonpoint source pollution. Yet, H.R. 961 repeals this important program—even though the coastal States themselves want it preserved.

The Coastal States Organization [CSO], which represents the 35 coastal States, territories and commonwealths, has made it clear that the urgency of the coastal nonpoint pollution problem compels us not to pull the plug on this program.

Let's be clear: This amendment does what the States asked us to do. It adopts their suggestions for providing flexibility and targeting of coastal nonpoint programs. Our amendment will put an effective Coastal Nonpoint Pollution Program in place in less than a year.

Two-thirds of coastal States have invested millions of dollars over the past 4 years crafting innovative runoff control programs that are nearly ready for approval. My own State of New York has invested considerable time and effort in developing a plan that will benefit Long Island Sound, the Hudson River, and the New York City watershed. By making sensible investments early-on, it also promises to save taxpayers millions of dollars down the road—or downstream as the case may be.

Long Island Sound is a $6 billion a year resource for the region's fishing, boating, and recreation industries. In New York and Connecticut, business, labor, and environmental groups have set-aside old disagreements and joined together in developing a plan to clean up the sound. They have forged a powerful coalition. The Coastal Nonpoint Pollution Program is an integral component of those efforts, and now is certainly not the time to pull the rug out from under their feet.

As the coastal States themselves are asking: Why throw 4 years of diligent work out the window 2 months before the completion date? There is no reasonable answer. I urge my colleagues to support their States by supporting this amendment.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just do not understand. Why do we think we have to have more bureaucracy to stop pollution? That is the old approach. The new approach is an approach of flexibility, consolidation, elimination of unnecessary bureaucracy. All this bill does is streamline, then consolidate. Basically the amendment that is being offered is essentially the same provision that was in the substitute that was rejected decisively by the Members of this House.

This bill eliminates a duplicative program of regulation and it consolidates it into one program. Now the question is why should we do this now, because the answer is no State has this coastal management program up and running. That is why we should do it now. It makes perfect sense to do it now. Because if we wait, then we will have these programs up and running. We still allow the States all of the flexibility they want to target these resources, to identify the programs that they consider to be a problem and to focus resources into that. And when we hear the argument that the States want to be told by the EPA what to do with their land use, et cetera, I just do not buy that, Mr. Chairman.

What we need to do is to reject this amendment just as we rejected the substitute and move ahead, streamline and consolidate and make this a workable program.

PARLIAMENTARY INQUIRY

Mr. MINETA. Mr. Chairman, I have a parliamentary inquiry. Is the Chair going to be alternating between the Republican and Democratic side in terms of recognition?

The CHAIRMAN. That is the attempt of the Chair, yes. Was the gentleman from California seeking recognition?

Mr. MINETA. Mr. Chairman, under that procedure, I believe the gentleman from New Jersey [Mr. PALLONE] was standing.

The CHAIRMAN. The Chair has recognized the gentleman from Maryland [Mr. GILCHREST], a member of the committee. The gentleman from Maryland will proceed. Following the gentleman from Maryland's statement the Chair would intend to come to this side for recognition. The gentleman from Maryland may proceed for a period of 5 minutes.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, the previous speaker did not extend the courtesy of yielding at the conclusion of his time. I would like to directly rebut a couple of comments he made.

First of all he said the States do not want it. He is wrong. The States do want it. As matter of fact, the secretary of state for New York was in town today lobbying for this. I will tell you who wants it: every single coastal State up and down the east coast and west coast and on along the Gulf of Mexico and along the Great Lakes region.

And second, and this is very important as my colleague knows, It is no secret, say the Coastal States Organization, that we have had complaints about this program. Nonetheless, we believe that the immediacy of the coastal nonpoint pollution program

calls for this program to be fixed, not killed. And this is very important. The coastal States, 30 of them, have invested over 4 years of work in developing the 6,217 programs; they are nearly complete, with that program and it will be submitted in July. Why throw out, say the coastal States, 4 years of diligent work, throw it out the window 2 months before the completion date.

I thank my colleague for yielding.

□ 2115

Mr. GILCHREST. I need to make a couple of quick statements. No. 1, the previous gentleman, and a number of people, have been talking about giving the States the flexibility, let the States do this, let the States do that.

One comment about the Constitutional Convention, you know, over 200 years ago, the reason the Constitutional Convention came about was because there was a dispute between Maryland and Virginia dealing with the Potomac River because it went across State lines, so there is a Federal role to play, especially when pollution runs downstream.

I would like to draw your attention to this map one more time, the Chesapeake Bay region. We are talking about nonpoint source pollution, and we are talking about the Coastal Zone Management Act which helps protect pollution along the coastal waters. If you look at Washington, DC, right here, here, we have a certain amount of nonpoint source protection, but you still see this urban area putting pollution, silt, and a number of other things into the Potomac River which gradually gets into the coastal waters.

If you look at the coast of Delaware, Maryland, and Virginia, you see no such thing during that storm, and the reason is because the Coastal Zone Management Act was able to protect this particular area of the coastline, and if we go with the same rule of nonpoint programs and fold the Coastal Zone Management Act into that program, we stand the chance of having this that you see on this map, polluting the Chesapeake Bay and eventually the coastal waters, happening over here along the coast.

The last thing is, there are a lot of people that have approached me on the House floor today and said, ''Washington, DC, was built on a wetland. What do you think about that?'' I guess there was not a sense of the problem of population and urban sprawl and unbridled development 200 years ago, 200 years ago, let us say 1795; there were 3 million people in the world; 100 years ago in 1895, there were 76 million people in the world. Today, 1995, there are 265 million people in the United States.

Now, there is a certain sense of sharing the resources and what we do or do not do to our neighbor downstream. And so the cumulative impact of population growth which is expanding now to the coastal areas of this country poses a certain threat to the resources of those areas, and it is up to us, this legislative body, to understand how we can help the State and local communities create an environment where we can manage resources and still have people living in areas where they do not have to worry about their drinking water, their natural resources.

And one more comment before my time is up, I want to point to the areas that have urban sprawl and urban development. If you will notice, during this rain storm, all of the silt that comes down the Potomac River, but you do not see that because of the protection of the coastal areas along Delaware, Maryland, and Virginia.

So I urge my colleagues to vote for the amendment.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use the 5 minutes.

I did want to make reference though to a previous speaker, the gentleman from California, and his statement about the vote being very close on the Saxton-Boehlert amendment, and also the suggestion that somehow this amendment was not in order. I would point out that the vote was actually fairly close on the Boehlert-Saxton amendment, and also that this amendment is a very important part of that overall substitute which I think should be addressed separately.

I think one of the things that needs to be pointed out tonight is that the amendment offered by the gentleman from New York [Mr. BOEHLERT] basically is a reasonable compromise, if you will, based on the recommendations of the Coastal States Organization. The amendment does not take us back to the original language of the existing statute but, rather, it is a carefully crafted compromise that allows States that have not received Federal approval of their coastal zone management program to have 30 months to submit their coastal nonpoint source pollution program. It only applies to threatened or significantly degraded waters as opposed to coastal waters generally. It allows for prioritization of areas for implementation of management measures. It allows for conditional approval when States request additional time to complete their plans without penalty.

The bottom line is the gentleman from New York [Mr. BOEHLERT], again, as part of this substitute, has drafted something that seeks to change the language, if you will, of the current law without sacrificing the mandatory and enforceable nature of the original law, and I think that is the key.

Nonpoint source pollution is really the problem that we face with regard to water quality in the future. Over the next 5 or 10 years this is likely, if it is not already, to become the major source of pollution that would we have, and the committee bill makes this whole program voluntary.

Basically what the gentleman from New York [Mr. BOEHLERT] is trying to do is to put the teeth back into the program, preserving the program while also looking at it in a way that I think is very reasonable and manageable.

I have to say, Mr. Chairman, I think this is a very important amendment, because section 6217 of the Coastal Zone Act reauthorization amendments is the only enforceable program developed by Congress to prevent nonpoint source pollution, and H.R. 961 basically repeals this entire section 6217 and, instead, the bill replaces the enforceable provisions with a proviso that State programs make reasonable progress, essentially making the program voluntary.

As my own State of New Jersey has made significant progress with regard to this program, and is very proud of the progress we have made, there are about 19 other coastal States, including New Jersey, that went through a very helpful threshold review, with respect to these plans. In our State in the summer of 1994, we did a review. We held three public hearings this month. We will be submitting our completed section 6217 program proposal in July.

All of the coastal States are currently making progress in development of their coastal nonpoint programs. Thousands of dollars and years of efforts have been expended, and proposals for new programs have been made.

The section 6217 program has already gained a significant momentum, and shows great promise. But to undermine it with a less substantive program that decreases predictability of action would greatly increase the risks to valuable coastal resources, and it would penalize those coastal States that have made a concerted effort to comply with existing law.

I ask the House, do not pull the rug out from under the program. Support the Boehlert amendment. I is what the coastal States want.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to take my full 5 minutes either.

But this is a very, very important issue to coastal States. I do not believe this amendment does any damage to the underlying bill. I think it is, in fact, perfectly compatible with the underlying bill.

My colleague from California says we do not want more bureaucracy, we are trying to stop bureaucracy, we are trying to create local control. That is exactly what this amendment does.

Now, California takes up almost the entire coast of the Western United States. They only have a couple of neighbors to worry about.

Little States in New England have lots of other States to worry about, and so New England with its number of little States along the coast, needs a regional plan, needs Federal conformity. And this amendment preserves the underlying coastal zone management law, but reverts to the States the kind of flexibility, the kind of relief from

Federal bureaucracy and Federal control that we all know makes for a more cost effective and solid response, that combines the environmental interest of the State with the economic interest of a State.

Now, the Governors have proposed, through those who have worked to make these plans and to implement that law, three things, and let me tell you how they affect my district. The reforms in this plan will allow States the flexibility to delineate the scope of the management area. That means EPA cannot come in and tell you that every little stream that feeds into every river is part of the coastal area management section. So it means that a lot of my farmers are no longer going to be attacked by EPA to do things that they do not know how to do, and that we do not know how to help them to do. That ability in this law to let States delineate their area, let States even select the projects that they think are important, and implement those projects, that is exactly what the States are asking for, and that is what we are going to get.

But why do we need the underlying law?

We need it because no matter how much money Connecticut puts into this, if Massachusetts does not, if Maine does not, and if New York does not, then we will lose those fisheries and those shell beds that we have spent millions of dollars to bring back on our intracoastal water, and if we lose those, we lose jobs in an industry that is growing. We lose a coast that attracts tourism.

This is a big economic issue for our State, and I do not think the interior States quite understand what a big economic issue this is for the coastal States and how impossible it is going to be for us to achieve the level of coastal water cleanliness that is essential to our economies as well as to our environments if we do not have the Federal uniformity that the underlying coastal zone management law provides, complemented by the reforms that the Governors have asked for.

This amendment does no damage to the underlying bill. It achieves the objectives of the underlying bill in harmony with the consistency of principle and program that an area of old industrial States, which is what the Northeast is, so we have got lots of old site land, that is a problem in terms of nonpoint source pollution, gives us that uniformity of goal that will return our shores and our shoreline waters to the level, to the quality that will assure the economic benefits of clean coastal waters as well as the health and environment benefits.

So I urge you to think about what is the difference between living in the middle of the United States and what is the responsibility of the coastal States. And, please, do not take from us the program that we all now support and give us the flexibility we need to make it work right economically and environmentally.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentlewoman for a very eloquent statement.

I want to point out it is not just the 23 coastal States, also all the Great Lakes States are heavily involved and deeply interested in this. The Coastal States Organization represents 30, 30 coastal States, Great Lakes and coastal States, so it is very important.

I thank the gentlewoman for a fine statement.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I realize the time is late, but I think it is important to correct the RECORD.

You heard tonight that all of the coastal States are in support of this program called CZARA 6217. That is incorrect.

We are in possession of a letter from the State of Louisiana opposing that section of the CZM law and supporting the provisions of the bill that would, in fact, fold language back into section 319 of the current Coastal Management Act. We are in possession also of letters from the State of Wisconsin indicating support for the bill and for elimination of the coastal nonpoint pollution control program contained in section 6217, and a letter from the Texas department of agriculture similarly in support of the changes embodied in the bill.

Let me correct another point in the RECORD. The Boehlert amendment that contained the same amendment we now debate was not defeated on a close vote. If 58 votes is a close vote, I am very surprised in this House. That is a very good margin.

Let me tell you why this amendment ought to be defeated and why the bill, as it recommends changes in the law, should be approved. The bill that we are talking about does, in fact, repeal a section of the Coastal Zone Act, not the act that was passed years ago; it repeals a section of the act that was adopted in a budget resolution in 1990, not through the normal process. The section of the Coastal Zone Management Act that the bill repeals was not adopted as a part of the original act. It was adopted as a part of a budget resolution, an amendment attached to a budget resolution, not the normal process by which we write environmental law in this body.

It was attached in 1990, and those programs are about to go into effect unless we change it here tonight.

Now, why should we change it here tonight? Because if we do not change it here tonight, what will go into effect is a program that mandates a one-size-fits-all Federal mandate program on the States inflexible, that gives the EPA the power to determine appropriate land use practices in coastal zones, that gives the EPA the power to determine coastal zone boundaries, unlike the current law which allowed the States to make those determinations.

□ 2130

If we do not repeal that section, you will be giving in effect the EPA that authority. What the bill does is repeal that section, fold this section of environmental law protection for coastal zone into Section 319 where the States have the power to focus their resources on the critical coastal areas they want to work on and, in fact, protect those areas as much as any of my colleagues in this House want to have them protected.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Wisconsin.

Mr. PETRI. I just want to reiterate what you said as far as the State of Wisconsin is concerned. We are just a coastal State. We do oppose the Boehlert amendment. DNR has worked on this very closely with Chairman SHUSTER and others. We want a strong nonpoint source program. We have to have an integrated one, not a separate one for coastal, and for lakes, and for rivers, and to get the job done, and, to do it most effectively, we want one program, not a proliferation of many programs.

So the gentleman is absolutely right.

Mr. TAUZIN. I thank the gentleman.

Let me say to my colleagues and point out again, if you believe your State ought to have the flexibility to adopt its coastal zone program to the needs of your coastal zone, then you vote against the Boehlert amendment. If you like Federal mandates and new Federal EPA authorities to determine land use restrictions and the coastal zone of your State, then vote for Mr. Boehlert's amendment because that's what it does. It ought to be defeated.

Mr. QUINN. Mr. Chairman, I rise in support of this amendment to reauthorize the coastal nonpoint source pollution control program known as section 6217.

This program is important because our coastal States have unique and significant problems. While there have been some complaints about the 6217 program, we should look at ways to improve not kill it.

I had representatives from my State come to me to announce that New York will have a management program for approval in July. Approximately 18 States will be ready to go on September. We can not end the program now.

To repeal this program would punish the States that are making good faith efforts to work on their nonpoint pollution. To repeal this program would reward States that have not been making strong efforts to address the nonpoint problems specific to the coastal States.

I am worried that to repeal the program now will delay any progress that it ready to be made.

I rise in support of the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 199, not voting 11, as follows:

[Roll No. 314]

AYES—224

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Callahan
Cardin
Castle
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefley
Hefner
Hinchey
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Kolbe
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Porter
Quinn
Rahall
Ramstad
Reed
Reynolds
Richardson
Rivers
Roemer
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Whitfield
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—199

Allard
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill
Bilbray
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Burr
Burton
Buyer
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Emerson
Ensign
Everett
Ewing
Fazio
Fields (TX)
Fowler
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gonzalez
Goodlatte
Goodling
Green
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manzullo
McCarthy
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Rohrabacher
Rose
Roth
Royce
Salmon
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Young (AK)
Zeliff

NOT VOTING—11

Baker (CA)
Boucher
Bunning
Collins (IL)
Fattah
Jefferson
Lewis (KY)
Moakley
Peterson (FL)
Rangel
Rogers

☐ 2152

Messrs. REYNOLDS, CHAPMAN, MILLER of Florida, CALLAHAN, MCCOLLUM, GRAHAM, and BISHOP changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. TATE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NORWOOD) having assumed the chair, Mr. MCINNIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 961) to amend the Federal Water Pollution Control Act, had come to no resolution thereon.

PERMISSION FOR CERTAIN COMMITTEES TO SIT TOMORROW, THURSDAY, MAY 11, 1995, DURING THE 5-MINUTE RULE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The Committee on Agriculture; the Committee on Banking and Financial Services; the Committee on Commerce; the Committee on Economic and Educational Opportunities; the Committee on International Relations; the Committee on Resources; the Committee on Transportation and Infrastructure; the Committee on Veterans' Affairs; and the Select Committee on Intelligence.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NORWOOD). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

[Mr. GRAHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 5 minutes.

[Mr. BECERRA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

[Mr. DORNAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]